



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fourth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.2520 of 2022

SIVA SHANKAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ST.THOMAS MOUNT POLICE STATION,
CHENNAI.
(CRIME NO.323/2021.)

[RESPONDENT]

For Petitioner : M/S.T.MURUGANANTHAM Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest on the hands of the respondent police for the alleged offences punishable under Sections 406 & 420 of IPC in Crime No.323 of 2021, seek anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) for the respondent.

3. The case is of the offences under Sections 406 & 420 of IPC, wherein, the defacto complainant alleged that the accused persons promising a moon shine in Real Estate business has received more than Rs.40,00,000/- and absconded. As far as the petitioner herein is concerned, he is arrayed as A2. The counter indicates that Rs.5,45,000/- was transferred to the account of this petitioner by the defacto complainant and the rest of the money was paid to the 1st accused.



4. The learned counsel appearing for the petitioner would state that though the complaint says Rs.40,00,000/- was transferred from the defacto complainant to the accused persons, when the bail petition was filed by the A1, it was admitted that only Rs.98,000/- was transferred to A1. For the present, this Court is not concerned with what amount has been transferred to A1, since there is specific evidence to show that Rs.5,45,000/- was transferred to the petitioner herein and there is no plausible explanation whether it was repaid or not.

5. This Court finds that there is a prima-facie to interfere, as there was some intention to deceive the defacto complainant, at the inception to receive money, it is not a fit case for granting Anticipatory Bail.

6. In view of the above, this Criminal Original Petition is dismissed.

-sd/-

04/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
ST.THOMAS MOUNT POLICE STATION,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges

CRL OP.2520/2022

Date :04/03/2022

RW 17/03/2022