



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8775 of 2022

MURUGESAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH I,
POLICE COMMISSIONER OFFICE,
EDF I, TEAM II, VEPERRY, CHENNAI.
CRIME NO.28 OF 2022.

[RESPONDENT]

For Petitioner : M/S.AL.GANTHIMATHI Advocate

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

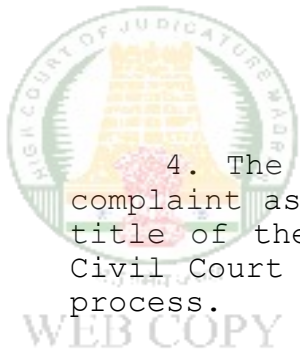
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 420 read with Section 34 and 120 B IPC in Crime No.28 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein is one of the accused in case, where the defacto complainant has been cheated to a tune of Rs.1,30,00,000/- on a mere trust that a property, which is not owned by the accused were sought to be sold to the defacto complainant.

3. The specific allegation against this petitioner is that, he is the neighbour of the defacto complainant and he has introduced the other accused as owners of the property and on 08.06.2016, made him to enter into a sale agreement with one Ponnurangan and a sum of Rs.25,00,000/- by way of two cheques was given to the said Ponnurangan and thereafter, substantial amount totally to a tune of Rs.1,30,00,000/- was paid to the accused persons directly or through this petitioner and for this dealing, the petitioner herein has received a sum of Rs.40,00,000/- as brokerage commission. Later on, having found that the persons alleged to have sold the property are not owners of the property, a complaint has been lodged before the respondent police and the case has been taken up for investigation.



4. The learned counsel for the petitioner would submit that the complaint as such, is a unwanted one and if there is any cloud in the title of the property, the defacto complainant has to resort to the Civil Court and by way of criminal complaint, is trying to abuse the process.

5. However, on considering the materials placed by the prosecution before this Court, this Court finds that there is prima facie case made out to proceed against this petitioner to investigate the matter and proceed against this petitioner and others.

6. Since, substantial money has been paid by the defacto complainant to the accused persons including the petitioner herein, a receipt duly signed by the petitioner herein indicates that, he has received both cash and cheque from the defacto complainant on various occasions, starting from 09.07.2016 to 13.04.2017 and there are other documents to show cash and cheque payments which were made to the other accused. The very fact that the petitioner herein is that he has received both Rs.33,00,000/- and sign, acknowledging the receipt of said money, there is no plausible explanation for receipt of such a huge amount.

7. In this circumstances, this Court is of the view that, the custodial interrogation of this petitioner is required. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

26/04/2022

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
CENTRAL CRIME BRANCH I,
POLICE COMMISSIONER OFFICE,
EDF I, TEAM II, VEPERRY,
CHENNAI.



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.AL.GANTHIMATHI
charges SR.6502

Advocate on payment of necessary

CRL OP.8775/2022

Date :26/04/2022

RVR 02/05/2022