



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8937 of 2022

RAHMAN SHERIF

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
P-6 KODUNGAIYUR POLICE STATION,
CHENNAI - 600 118.
CRIME NO.273 OF 2022.

[RESPONDENT]

For Petitioner : M/S.R. VARALAKSHMI 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 apprehending arrest for the alleged offence under Section 406 & 420 of I.P.C., in Crime No.273 of 2022, on the file of respondent police, seeks anticipatory bail.

2. The petitioner herein apprehending arrest by the respondent police based on the complaint that, he has cheated the defacto complainant to a tune of Rs.3,50,000/- is before this Court seeking anticipatory bail. However, the record reveals that on the complaint against the petitioner, when the police enquired the parties, both the defacto complainant and the petitioner agreed to settle the dispute by receiving Rs.1,22,000/- in the monthly instalment of Rs.5000/- commencing from the month of September 2021. However, the petitioner herein has paid the instalment only for 4 months and stopped paying the instalment of Rs.5000/- as agreed. Hence, pursuant to the direction of the Judicial Magistrate passed in petition under Section 156 (3) of Cr.P.C. He has now perusing the investigation.



3. The Learned Counsel for the petitioner would state that the complaint itself is false and purely a civil transaction. However, the counter filed by the respondent/state indicates that, when the petitioner was summoned for appearance on 03.04.2022, he appeared and gave an undertaking that, he will settle the money to the defacto complainant immediately but had not paid the amount.

4. Considering the fact that the petitioner having received the money under false promise and thereafter, agreed to pay lesser amount in instalments had not honoured his own commitment and breached the same disclosing his intention to deceive the complaint. Hence, this Criminal Original Petition is dismissed.

-sd/-

20/04/2022

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,
P-6 KODUNGAIYUR POLICE STATION,
CHENNAI - 600 118.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R. VARALAKSHMI Advocate on payment of necessary charges

CRL OP.8937/2022

Date :20/04/2022

RW 25/04/2022