



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11590 of 2022

ALEX @ PAUL FRANCIS XAVIER

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-II,
EDF-III, CHENNAI DISTRICT.
(CR.NO.94 OF 2021)

[RESPONDENT]

For Petitioner : M/S.G.NIVEDITHA Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

For Intervener : MR.R.C.PAULKANAGARAJ, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 109 and 34 of I.P.C altered into Sections 420, 467, 468, 471, 109 of I.P.C in Crime No.94 of 2021, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the entire allegation is only as against the first accused and the petitioner is no way connected with the first accused and he has nothing to do with the allegation as alleged by the prosecution. In fact, the first accused was kidnapped by the defacto complainant and abducted him to sign in the written statement in a hundred rupees stamp paper on 17.06.2021, as if he owes to pay a sum of Rs.2,10,00,000/-. Due to which the first accused along with all family members attempted to commit suicide. Fortunately, they were saved. Further only on the confession statement of the first accused, the petitioner has been implicated as A2. In fact, the petitioner was issued notice under Section 41 A of Cr.P.C and he also attended enquiry before the respondent and made statement.



3. Mr.A.Damodaran, learned Additional Public Prosecutor submitted that the first accused was working as Marketing Manager under the defacto complainant and diverted the entire amount, which was paid in favour of the defacto complainant to the account of M/s.Ashirvad Enterprises owned by the petitioner herein and he is the authorized signatory and swindled the entire amount with the first accused. That apart, the first accused is none other than own brother-in-law of the second accused. Though, the petitioner has been implicated as accused on the confession statement of the A1, there is specific allegation as against the petitioner and admittedly, he is the authorized signatory of M/s.Ashirvad Enterprises. The entire amount which was due to the defacto complainant was diverted in the name of M/s.Ashirvad Enterprises and misappropriated to the tune of Rs.3,01,90,151/- of the defacto complainant's money.

4. Reiterating the submissions of the learned Additional Public Prosecutor, Mr.R.C.Paul Kanagaraj, the learned counsel appearing for the intervenor vehemently opposed to grant anticipatory bail to the petitioner.

5. That apart, this Court has already dismissed the anticipatory bail petition of the petitioner in Crl.O.P.No.7178 of 2022 only on 07.04.2022 and this Court finds no change of circumstances to consider the second anticipatory bail petition. Therefore, the custodial interrogation of the petitioner is very much required in this case and this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is dismissed.

-sd/-

20/05/2022

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-II,
EDF-III, CHENNAI DISTRICT.



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.MURALI LAW FIRM Advocate on payment of necessary
charges

CRL OP.11590/2022

Date :20/05/2022

CSK 26/05/2022