



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 02/09/2022

PRESENT

WEB COPY

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP (MD) Nos.2150 and 2618 of 2022

G.Alex Pandi @ Ajithpandi

...Petitioner/Accused NO.4 in
Cr1.OP (MD) No.2150 of 2022

1.Jeyaprabu

2.Libinjacco

...Petitioners/Accused Nos.3 & 5
in Cr1.OP (MD) No.2618 of 2022

Vs.

State rep. By
The Inspector of Police,
District Crime Branch,
Dindigul.
(Crime No. 3 of 2022)

...Respondent/Complainant
in Cr1 OP (MD) No.2150 OF 2022

(*)Amended as per order of this Hon'ble Court
Dated 04.07.2022 in Cr1 MP (MD) No.2385/2022 in
Cr1 OP (MD) No.2150 of 2022

State rep. By
The Inspector of Police,
District Crime Branch,
Dindigul.
(Crime No.3 of 2022)

... Respondent/Complainant
in Cr1 OP (MD) No.2618 OF 2022

Ramesh,

... Petitioner/Intervenor
in Cr1 MP (MD) No.2388 OF 2022

For Petitioner in
Cr1.OP (MD) No.2150 of 2022 : Mr.Sricharan Ranga rajan, Advocate
for Mr.S.Ramasundarvijayraj, Advocate

For Petitioners
Cr1.OP (MD) No.2618 of 2022 : Mr.G.Mariappan, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate
(Criminal side)

For Intervenor : M/s.P.C.Geethammal, Advocate
in Cr1 MP (MD) NO. 2388 OF 2022



PETITIONS FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C.

PRAYER:-

For Anticipatory Bail in Crime No.3 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioners, who are arrayed as A3, A4 & A5 apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B) and 420 IPC, in Crime No.3 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that on 25/06/2021, A4-Alex Pandi and A5-Libin Jacco contacted his owner stating that they wanted to have a business talk with his owner. They were invited for the above said talk. During the above said talk, they informed that they are doing high profit trading business and they are having a precious metal and that must be tested and after it is found positive, then they can earn huge profit. For that above process, his owner paid Rs.50 Lakhs to him. A1-Dr-Venkatesh introduced himself as Scientist to test the above said precious metal. A2-Jeganathan stated that he is a Co-ordinator and A6 has stated that he is also a Scientist. On the basis of the above said representation, Rs.22 Lakhs was transferred in their account and balance amount was also paid in cash. On the basis of the above said undertaking, Rs.3.68 Crores of rupees was transferred to the account of Alex Pandi, Jeya Prabhu and Libin Jacco. After three weeks, they stated that they received the metal and that must be tested. Again, they demanded Rs.4.50 Crores. On that account, Rs.4.50 Crores was transferred to the account of Alex Pandi and Rs.25 Lakhs to the above said Dr.Venkatesh and Rs.4.20 Crores and Rs.23 Lakhs to the account of Jeyanathan. So totally Rs.9.20 Crores was cheated. Based upon the above said complaint, the case was registered.

3.Seeking anticipatory bail, the petitioners, who are arrayed as A3, A4 and A5 have filed separate petitions.

4.When Cr1.OP(MD)No.2150 of 2022 was taken up for hearing, the learned counsel appearing for the petitioner/A4 would submit even though the allegation made in the complaint, only Rs.50 Lakhs has been transferred in his account and he is ready to deposit the above said amount. It was also submitted that the mother of this petitioner is contesting in the local body election and he has to help his mother during the election campaign. So, he may be granted anticipatory bail on deposit of Rs.20,00,000/-. That was also considered by this court and interim protection was granted, on 04/10/2022 by directing the petitioner/A4 to deposit Rs.20,00,000/-.

<https://www.hcjd.madras.gov.in/>



Thereafter, the matter was referred to mediation, but it could not be settled. So the matter was heard on merits.

5. During the course of hearing, the concerned Investigating Officer also present before this court. But he has stated that several cases are pending against the accused persons before various police stations and huge amount is involved in the above said cheating. The *modus operandi* is, they used to contact wealth people giving false information that they have precious metals, which are capable of creating positive energy. By this false representation, they indulged in cheating activities. To show the same, they have produced the list of cases that are pending in various police stations.

6. But however, the learned counsel for the petitioners would submit that this is purely a business transaction, which was undertaken by the parties.

7. On going through the CD file, this court is not in a position to agree the contention, that was raised by the petitioners. It is purely a matter for investigation. On going through entire CD file and transfer of money through accounts, it is seen that several crores of rupees are involved in this matter. Even though independently money has been transferred to the accused accounts, it is nothing, but joint cheating, for which each and every accused is responsible for the the total amount, which is involved. So unless the petitioners are taken into the custodial interrogation, the truth will not come. The entire money has also to be recovered. Now the investigation is in the preliminary stage.

8. Considering the magnitude of the money involved in this case, this is not a fittest case to exercise the discretionary relief of anticipatory bail. Accordingly, both criminal original petitions are **dismissed**.

sd/-
02/09/2022

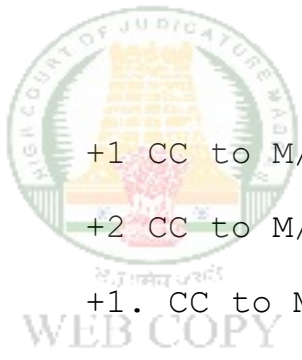
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-9662[I]

+2 CC to M/s.P.C.GEETHAMMAL, Advocate (SR-9635[I]&9636(I)

+1. CC to M/S. G.MARIAPPAN, Advocate SR.No.9661(I)

ORDER

IN

CRL OP (MD) Nos.2150 & 2618 of 2022

Date :02/09/2022

ER

PKP/SVR/SAR-2/20.09.2022/4P/7C