



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 18/03/2022
PRONOUNCED ON: 29/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3134 of 2022

Tony @ Antony Amirtharaj ... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
City Crime Branch, Trichy.
Crime No.5 of 2022.

... Respondent/Complainant

Mohan Dass

... Petitioner / Intervener

For Petitioner : Mr.N.Anandakumar,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

For Intervenor : Mr.K.Veilmuthu, Advocate

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

PRAYER :-For Anticipatory Bail in Crime No.5 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 464, 465, 467, 468, 471 I.P.C., r/w 120(b), 34 I.P.C., in Cr.No.5 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a shop in the name of Supreme Enterprises and the petitioner, being a Philips Company salesman, introduced himself to the defacto complainant and due to that business relationship, the petitioner well acquainted with the defacto complainant, that the petitioner introduced the accused No.1 and informed that he is a close friend and trustee of Nadharsha Dharka, that the said Dharka have a land measuring to 11,500sqft and will arrange it for ground rent to the defacto complainant through accused No.1, for which he has to pay Rs.30,00,000/- and that on believing the words of the first accused, the defacto complainant had deposited Rs.29,45,000/- in the first accused's bank account on different dates and



promised and cheated the defacto complainant. Hence, the present complaint.

3. The case of the petitioner is that he is a Philips dealer, that the petitioner and his friend Shahid Hussain approached the first accused, who is the Managing Trustee of Dharka and on the demand of the first accused, the petitioner and Shahid Hussain deposited a sum of Rs.33,50,000/- between the year 2007 and 2008 through Bank in the name of the first accused and his wife, on the assurance that the first accused will arrange the property for ground rent, that in the year 2009, the defacto complainant approached the petitioner and disclosed his interest to join in the said project as a partner and due to which an agreement was entered into between the parties and he has paid Rs.12,00,000/- to A.B.D.Bhadhusa by cash and that he did not give any amount to the petitioner and the first accused had frequently sought time from the petitioner and the defacto complainant projected a suit in Walkf in O.P.No.5 of 2006, that the petitioner is innocent and he has not committed any offence as alleged and that he has been falsely implicated in this case.

4. The learned Counsel for the intervenor would submit that the intervenor has been running a Home Appliances shop viz., Supreme Enterprises at Trichy, that the second accused introduced himself as a salesman of Philips Company and due to that relationship, the petitioner and the second respondent were well-known to each other, that the second respondent introduced A.1 and informed that he is a close friend and trustee of Nadharsha Dharka, that the Dharka have a land measuring to 11,500sqft and will arrange it for rent to the defacto complainant through A.1, for which he has to pay a sum of Rs.30,00,000/- and that on believing the words of the first accused, the defacto complainant had deposited Rs.29,45,000/- in the first accused's bank account on different dates. The intervenor has filed bank statement to show that some substantial amounts were credited in his bank account.

5. Considering the above facts and circumstances and seriousness and gravity of the offences alleged and the quantum of amount involved and that the investigation is pending as stated by the learned Government Advocate (Crl.Side), this Court is not inclined to grant anticipatory bail to the petitioner.

6. In the result, the Criminal Original Petition is dismissed.

sd/-
29/03/2022

/ TRUE COPY /

/ /2022

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.K.VEILMUTHU, Advocate (SR-2726[I] dated 30/03/2022)

ORDER
IN
CRL OP(MD) No.3134 of 2022
Date :29/03/2022

SSL
MK/PN/SAR.IV/01.04.2022/3P/4C