



WEB COPY

Crl.OP(MD)No.3824 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 30/03/2022
PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)Nos.3824 and 3923 of 2022

Bastin Jesuraj

... Petitioner/Petitioner/
Accused No.2
(Crl.OP(MD)No.3824 of 2022)

Pushpamary.R

... Petitioner/A1
(Crl.OP(MD)No.3923 of 2022)

Vs.

State represented by
The Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.14 of 2021)

... Respondent/Respondent/
Complainant
(in both cases)

For Petitioner in
Crl.OP(MD)No.3824 of 2022 : Mr.V.Selvakumar, Advocate

For Petitioner in
Crl.OP(MD)No.3923 of 2022 : Mr.S.Mahendrapathy, Advocate

For Respondent : Mr.SS.MADHAVAN
In Both Petitions Government Advocate
(Criminal side)

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

PRAYER :- For Anticipatory Bail in Crime No.14 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioners, who are arrayed as A2 and A1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 420, 506(i) and 120(B) IPC, in Crime No.14 of 2021, on the file of the respondent police, seek anticipatory bail, respectively.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The petitioners are facing the charges for the offences under sections 294(b), 420, 506(i) and 120(B) IPC.

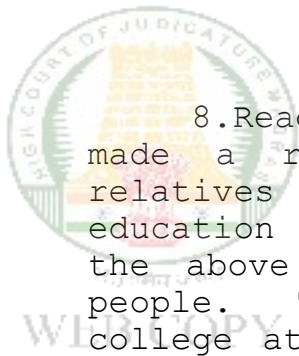
3.Heard both sides.

4.The earlier application was dismissed by this court on the ground that it is a case of job racketing and the accused persons by promising to provide job in the proposed college received huge amount and thereafter, failed to provide job and also cheated the amount.

5.On the earlier occasion also, the entire CD file was also perused. On going through the CD file, it is seen that several innocent persons have been affected because of the promise that has been made by the petitioners. Considering the magnitude of the offence, the earlier application came to be dismissed by this court in Crl.OP(MD)No.18566 of 2021, dated 10/02/2022. So after the dismissal of the above said petition, both the petitioners filed separate petitions on the ground that there was a money transaction between A1 and the de-facto complainant and noway, it is a job racketing transaction and A1 is only the sister of A2, which shows noway involved in the transaction between A1 and the de-facto complainant. In the petition, it has been stated that A1 in the month of December 2011 has borrowed a sum of Rs.20,00,000/- for her financial requirement from Ritha Jeyaraj and for that purpose of assisting her sister for settling the family debts. The above said Ritha Jeyaraj started demanding exorbitant interest later, working as a Government teacher and interest amount of Rs.1,40,000/- was also paid. Demanding exorbitant interest only, the de-facto complainant started harassing the petitioners and later, only the de-facto complainant introduced the petitioners. The above said Ritha Jeyaraj induced the petitioners to the de-facto complainant for settling the amount. Along with the de-facto complainant, 40 others also joined and they gave money. The interest was paid regularly. More than Rs.30,00,000/- was deposited by the de-facto complainant and other persons account. The balance amount was also pay in cash. She was physically and mentally harassed server times.

6.According to the learned counsel appearing for the first accused, only for the purpose of assisting her sister, she borrowed money from the above said Ritha Jeyaraj, from the de-facto complainant and others for exorbitant interest rate. But this court is not in a position to understand how the de-facto complainant can join with her relatives and pay money to the first accused.

7.Perusal of the CD file shows that more than 40 persons paid money to the accused persons for securing job in the proposed college. Around 1.24 crores alleged to have been involved in the transaction.



8. Reading of the complaint shows that both the accused have made a representation to the de-facto complainant and their relatives that their father namely Rayappan running a service and education for village awareness and improvement society and through the above said society, they are providing job to the village people. They also represented that they are going to put up a college at T.Chithalaicherry and for that purpose of construction and development, they need money and they also promised to provide job in the above said college. So based upon the above said promise, only several persons paid money ranging from Rs.2 lakhs to Rs.5 lakhs in instalment basis. Later they constructed a college and also running the same in the name of Mother Theresa Arts College. Against their promise, they failed to provide job.

9. Perusal of the CD file shows that promissory notes also been executed by A1 stating that for the purpose of providing job, she received Rs.20,00,000/- which is dated 25/05/2020. Similarly in favour of one Antony also, Rs.16.50 lakhs promissory note has been executed by A1.

10. It is further seen that in the account of the above said society, several persons either deposited or transferred money. The list of victims is also available in the CD file. So the contention on the part of the first accused that it is out and out money transaction between the parties is not at all reliable. It is seen that they are trying to cover up the entire issue.

11. In so far as A2 is concerned, as mentioned above, stating that he is the brother of A1, he is noway involved in the occurrence. But as mentioned earlier, it is the specific allegation to the effect that this petitioner has joined with A1, collected money, later failed to keep up the promise.

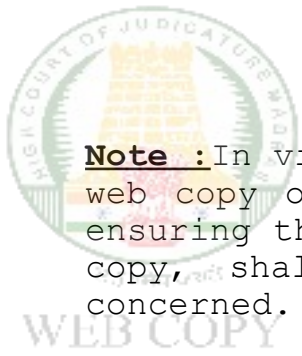
12. When several persons have been affected and more than Rs.1.24 crores involved in this occurrence, I am of the considered view that it is not a fittest case to exercise the discretionary power of anticipatory bail. It requires thorough investigation by subjecting the petitioners to custodial interrogation. Absolutely, I find no merit and there is change of circumstances also.

13. In the result, these criminal original petitions are **dismissed.**

sd/-
30/03/2022

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/ /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,
DISTRICT CRIME BRANCH,
THENI DISTRICT.

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

**ORDER
IN**

Crl.OP(MD)Nos.3824 and 3923 of 2022
Date :30/03/2022

SA/JM/SAR.2/05.04.2022/4P/3C