



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

Date : 21/03/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.3855 of 2022

Jeeva Kennady

... Petitioner/Accused
Rank Not Known

Vs

The State Rep. By,
The Inspector of Police,
District Crime Branch,
Kanyakumari District.
(Crime No. 18 of 2019).

... Respondent/Complainant

For Petitioner : M/s.Deepak.F.,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 18 of 2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 420 IPC, in Crime No.18 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a Doctor and he is running a hospital in the name of Sriram Ortho Hospital at Idalakudi. To improve the infrastructure and expand the hospital, he proposed a project worth about Rupees Two Hundred Crores and also purchased the lands. He was looking for investors to loan for his project. One Jeyakumar, Indra Gandhi, Saravanan Ramasamy and Kabriel Francis, knowing fully well his financial requirement, arranged a meeting with one Arul Murugan on 05.10.2017. Arul Muguran told him that he is an Advocate and working under Non-Indian Resident, who is in Australia and that Australian has a lot of money with him and he would lend money. It was also told that one Anitha David was in- charge of arranging loan. Accordingly, they made arrangements to open an account with National Australian Bank (NAB). They received a sum of Rs.10,000/- for legal opinion on

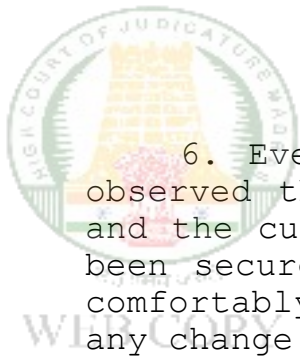


26.10.2017 through the bank account of Nallakani. Then the property inspection was done by Arul Murugan and an auditor on 30.10.2017. For this purpose, Arul Murugan got Rs.50,000/- from him. He informed that the bank staff one Baskar would come to the hospital for making loan arrangements and he was asked to pay Rs.37,000/- towards his air freight. Accordingly, a sum of Rs.37,000/- was paid in the account of one Vimal Raj on 04.11.2017. Baskar and Arul Murugan came to his hospital on 06.11.2017 and got Rs.3,25,000/- for starting NRI bank account. On 12.11.2017, he met one Anitha David at Palm Tree Hotel, Tirunelveli. As directed, he paid Rs.1,50,000/- on 14.11.2017 and Rs.80,000/- on 05.11.2017 in the account of Nallakani for preparing mortgage documents. He was informed that NRI account was opened and was also provided with Net banking Id and Password. Arul Murugan demanded one Crore as commission. He was also informed to sign in the loan documents and also demanded to give unfilled 7 cheques and Rs.1,00,00,000/- for activating his NRI account. On 27.11.2017, he met Arul Murugan at Rose Mary Hospital with Rs.1,00,00,000/- and 7 blank cheques. Arul Murugan, using the defacto complainant's cell phone, opened the ID and password and the account had shown that US dollar equivalent to Rupees fifty crores was credited in to his account. Arul Murugan got his commission and 7 unfilled cheques. When he requested for account activation letter, he was informed to go to Bombay. Accordingly, the defacto complainant and his friend Ganesh went to Bombay on 28.11.2017. They found that there was no bank as mentioned by the accused in the address given to them. On enquiry, the defacto complainant found that he was duped by creating fake ID, password and account. Therefore, this case came to be registered.

3. It appears that this is the 4th application filed for anticipatory bail. The earlier application filed by the petitioner in Crl.O.P(MD).No.2306 of 2021 was dismissed on 15.04.2021 and the subsequent applications filed in Crl.O.P(MD).Nos.7177 of 2021 and 13566 of 2021 were also dismissed on 05.07.2021 and on 01.10.2021 respectively.

4. The learned counsel for the petitioner has projected the change of circumstances that the name of the petitioner was not found in the FIR. The entire case is based on record and grant of anticipatory bail would not affect the prosecution case. For having lodged the complaint as against the respondent police, the present case has been falsely foisted against the petitioner.

5. In fact, all these pleas were taken even in the earlier application filed by this petitioner in Crl.O.P(MD).No.7177 of 2021 and this Court, taking note of the facts and the circumstances of this case and the role of the petitioner, has rejected the anticipatory bail application by order dated 05.07.2021 with the observation that the money and the documents are yet to be recovered and only by way of custodial investigation, the recovery is



6. Even though this Court, by earlier order dated 05.07.2021, observed that the petitioner is not entitled for anticipatory bail and the custodial interrogation is required, the petitioner has not been secured by the respondent police so far and the petitioner is comfortably filing one after another application without assigning any change of circumstances.

7. Even in this application, the petitioner has made a representation before this Court that he is ready to co-operate for the investigation. Considering the representation made on behalf of the petitioner, this Court, by order dated 02.03.2022, granted interim anticipatory bail to the petitioner enabling him to appear before the respondent police.

8. However, the learned Additional Public Prosecutor submits that the petitioner has not co-operated for the investigation.

9. Though the allegations are serious in nature and the earlier applications filed by the petitioner were dismissed by this Court, the respondent Police has not taken any effective steps to secure the petitioner. Hence, the Superintendent of Police, Kanyakumari District shall ascertain as to whether any steps have been taken to secure the petitioner by the Investigation Officer in Crime No.18 of 2019 and shall take necessary steps to secure the petitioner.

10. Since there is no change of circumstances, considering the conduct of the petitioner and the fact that the documents and the money are yet to be recovered from the accused, this Court is not inclined to grant anticipatory bail to the petitioner.

11. Accordingly, this Criminal Original Petition is dismissed.

sd/-
21/03/2022

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

COPY TO :

THE SUPERINTENDENT OF POLICE,
KANYAKUMARI DISTRICT.

+1 CC to M/s.F.DEEPAK, Advocate (SR-2288[I] dated 22/03/2022)

ORDER
IN
CRL OP(MD) No.3855 of 2022
Date :21/03/2022

ssb
USK/PN/SAR-II/28.03.2022/4P/5C