



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/06/2022

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PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP (MD) . Nos.6945 and 7040 of 2022

SANTHANAM
S/o.AYYAR

... PETITIONER / ACCUSED No.2
IN CRL OP (MD) NO. 6945 of 2022

SANTHANAM
S/O.SANTHANAM

...PETITIONER/ACCUSED No.1
IN CRL OP (MD) No. 7040 of 2022

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
GUDALUR NORTH POLICE STATION,
THENI DISTRICT.
(CRIME NO.72/2022)

... RESPONDENT/ COMPLAINANT
IN BOTH PETITIONS

IN BOTH PETITIONS

For Petitioner : Mr.D.VENKATESH, Advocate

For Respondent : MR.R.M.ANBUNITHI,
Additional Public Prosecutor (Crl.Side)

For Intervenor : Mr.S.SUNDAR PANDIAN, Advocate

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

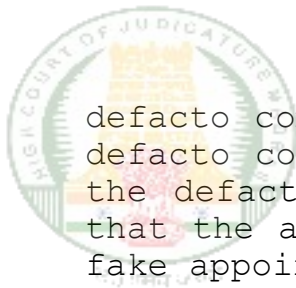
PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.72 OF 2022 ON THE FILE OF THE RESPONDENT POLICE.

COMMON ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 468 and 471 of IPC in Crime No.72 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution against the petitioners is that the 1st accused assured that he will get a job for the son of the

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defacto complainant. By saying so, he received some amount from the defacto complainant. Thereafter, he had shown appointment orders to the defacto complainant, but later, it was found, on verification, that the accused persons cheated the defacto complainant by showing fake appointment orders. Hence, the complaint.

3. Seeking anticipatory bail, these petitions came to be filed by the petitioners.

4. The learned counsel for the petitioners repeatedly pointed out that the petitioners are the victims of the crime that was committed by the 1st accused and others. Since the money was credited into the account of the 1st accused, he being the victim of the crime has been wrongly roped in, since he made a complaint against the defacto complainant. For that purpose, he has also produced the typed set of papers enclosing the copies of the appointment orders, which is alleged to have been forged.

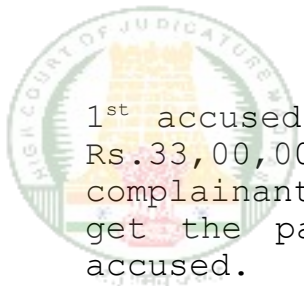
5. The complaint, which was given by the 1st accused against the defacto complainant and others, now has been transferred to the District Crime Branch, Theni and there is an observation to the effect that in order to escape from the criminal case filed against him, he has given a complaint stating that he is also one of the victims of the crime.

6. Now, whatever it may be, it is seen that it is a big case of scam, by which several innocent persons have been cheated to the value of more than a Crore. The offence involved in this First Information Report is furnishing of forged appointment orders to the defacto complainant, after receiving a sum of Rs.20,00,000/-.

7. Reading of the CD file shows that enough material has been collected during the course of investigation showing the involvement of this petitioners into the issue. When serious allegation of forging the appointment orders, cheating and misappropriation of huge money is involved, unless a strong case has been made out by the petitioners, they are not entitled to the discretionary relief of granting anticipatory bail.

8. Reading of the 161 statement that has been recorded during the course of investigation shows that the petitioners also involved in the issue, as stated above. I find absolutely no change of circumstances from the earlier order of dismissal.

9. It is further contended that the victims, namely Ranjip and another have filed an affidavit before the Principal District Court, Theni stating that the petitioners are also the victims of the crime, wherein they have stated that only the accused, by name Ramesh Kumar, Prakash, Arunbalan, Lavakumar and Sudharsan received a sum of Rs.1,64,00,000/- promising to secure appointments in various departments on the basis of the complaint given by them against the



1st accused, a case was registered. The 1st accused repaid a sum of Rs.33,00,000/- to all the victims in a proportionate manner. The complainant and his son also received a sum of Rs.4,50,000/-, but to get the payment in full, they foisted a false case against the accused.

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10.Those things cannot be taken into account by this Court. It is a matter for investigation and the investigation is also not over. Since a big scam is involved, it requires thorough investigation including the custodial interrogation of the petitioner. So, considering the facts and circumstances of the case as well as the manner, in which the offence is said to have been committed, the discretionary relief of granting anticipatory bail cannot be extended to the persons, like the petitioner.

11.I find absolutely no merits in these petitions. These petitions deserve to be dismissed and accordingly, dismissed. Consequently, connected miscellaneous petitions are closed.

sd/-
22/06/2022

/ TRUE COPY /

24/06/2022
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
GUDALUR NORTH POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S.VENKATESH D Advocate SR.No.5984.

ORDER
IN
CRL OP (MD) No.6945 of 2022
Date :22/06/2022

MM
MK/SVR/SAR.II/24.06.2022/3P/4C