



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

Date : 23/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.7833 of 2022

WEB COPY

1. Sethurajan
2. Subramanaian
3. Vignesh

... Petitioners/
(*)Accused No.1 to 3**

Vs

1. The State Rep. By,
The Inspector of Police,
District Crime Branch,
Sivagangai District.
(*)Crime No. 22 of 2022.

... Respondent/Complainant

2. M.Narayana Moorthi

... Petitioner/Respondent/
Defacto Complainant
in CrI OP(MD) No.6397/2022
in CrI OP(MD) No.7833/2022

For Petitioner : M/s.Veerakumar T,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervenor : Mr.R.Anand,
Advocate.

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

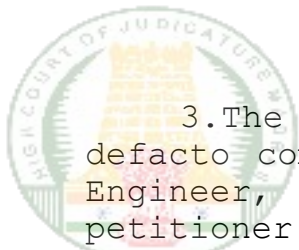
PRAYER :-

For Anticipatory Bail in (*)Crime No.22 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections **(**)468, 471, 420, 120(B) and 506(i) of IPC**, in **(*)Crime No.22 of 2022**, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have received a sum of Rs.24 lakh from the defacto complainant by giving false promise that they will secure a Government Job for his daughter-in-law. Thereafter, they failed to secure the job and cheated the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the defacto complainant is the land owner. The first petitioner is the Engineer, who constructing houses for consideration. The first petitioner and the defacto complainant entered into an oral agreement to construct a house in his land and the the first petitioner completed the first floor of the house. In such circumstance, some dispute arose between the parties. Based on the above civil transaction, the defacto complainant lodged this false complaint with various allegations. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the Intervenor would submit that the second petitioner is the father of petitioners 1 & 3. After receiving the amount of Rs.24 lakh from the defacto complainant, the petitioners handed over the appointment order. Thereafter, he came to know that the said appointment order is a forged one and they cheated him to the tune of Rs.24 lakh by creating forged documents. Hence, he lodged a complaint before the respondent police. Since there was no action, he filed WP(MD)No.5853 of 2022 and a direction was given to the respondent to register an FIR. However, till now, that order was not complied by the respondent police. The amount given to the petitioners was not recovered sofar. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.The learned Additional Public Prosecutor would submit that the amount of Rs.24 lakh was not yet recovered from the petitioners. Since, the investigation is in preliminary stage, the custodial interrogation of the petitioners are necessary. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the facts that the amount involved in this case and the investigation is in preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this Criminal Original Petition is dismissed.

(*) () (***) Amended as per
order of this Court dated
01/09/2022, in CrI.MP(MD) .
No.10056 of 2022 in CrI.OP(MD)
No.7833 of 2022 by GIJ.**

sd/-
23/11/2022

/ TRUE COPY /

/12/2022
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,
SIVAGANGAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7833 of 2022

Date :23/11/2022

dss

USK/BUC/SAR-III/05.12.2022/3P/3C