



WEB COPY



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

Date : 31/10/2022

PRESENT

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

**CRL OP(MD) . No.13870 of 2022**

1. Perumal
2. Kandavadivu

... Petitioners/Accused  
Rank No.3 & 4

Vs

1. State rep.by  
The Inspector of Police,  
Central Crime Branch Police Station,  
Madurai City.  
(in Crime No.16 of 2022).

... Respondent/Complainant

- (\*) 2. Rajnirmal
3. Geethanjali

... 2<sup>nd</sup> & 3<sup>rd</sup> Respondent/Defacto  
Complainants

- (\*) (R2 & R3 are Suo Motu Impleaded as  
Per Order of this Hon`ble Court  
dated 17.08.2022 in Crl.O.P.(MD)  
No.13870/2022 by GIJ)

S.K.P.Karuppiah

... Petitioner/Intervener  
(in Crl.M.P. (MD)No.9306/2022)

For Petitioners : M/s.Muneeswaran.B, Advocate.

For Respondent 1 : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

For Respondents 2 & 3 : Mr.S.Prakash, Advocate

For Intervenor : Mr.K.Rajeshwaran, Advocate



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

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

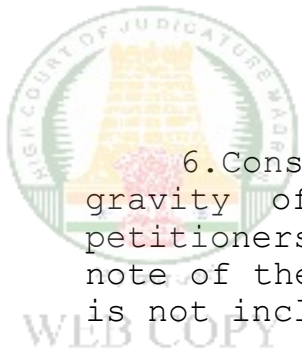
The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of IPC, in Crime No.16 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has been practicing as Cardiologist at Appollo Hospital, Madurai. The second petitioner herein is the own sister of the defacto complainant. The first accused is the son-in-law of the petitioners herein and he completed B.E., (Arc). On the recommendation of the petitioners, the defacto complainant has entrusted the work of construction of a hospital and a house with the first accused. On entrustment of the above said work, the first accused received more than Rs.1 Crore, but he received a sum of Rs.53,12,211/- excessively. When the defacto complainant enquired about the same with the first accused, he threatened the defacto complainant over phone with dire consequences on the instigation of this petitioners.

3. The learned counsel for the petitioners would submit that the defacto complainant voluntarily approached the son-in-law of the petitioners to give the construction work. The petitioners did not aware any of the transaction which was held between the first accused and the defacto complainant. They did not instigate any one to threaten the defacto complainant as alleged in the First Information Report. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that first accused is the son-in-law of the petitioners herein and they have recommended the first accused to the defacto complainant for the construction work and cheated a sum of Rs.53 lakhs. He would further submit that the investigation in this case is not yet completed. Since huge amount involved in this case, custodial interrogation of the petitioner is very necessary. Hence, he prays to dismiss the petition.

5.Heard the learned counsel appearing for the respondents 2 and 3. The learned counsel appearing for the intervener concedes the submission made by the learned Government Advocate appearing for the respondent police and vehemently opposed for grant of bail to the petitioners and



6. Considering the facts and circumstances of the case, the gravity of the offence, the overt act attributed against the petitioners, huge amount involved in the offence and also taking note of the vehement objection raised by the prosecution, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition stands dismissed.

Sd/-  
31/10/2022

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/11/2022  
Sub-Assistant Registrar (C.S.IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

cp

TO

1. THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH POLICE STATION,  
MADURAI CITY.

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

+1. CC to M/S.C.M.MARI CHELLIAH PRABHU Advocate SR.No.12166

ORDER  
IN  
CRL OP(MD) No.13870 of 2022  
Date :31/10/2022

SP/SSS/SAR IV/07/11/2022/3P/4C