



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.14632 of 2021

Jesu

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.
Cr.No. 16 of 2021.

... Respondent/Complainant

A.Kishorkumar

... Intervene Petitioner/Complainant/
Complainant
In Crl.MP(MD).8978/2021 in
Crl.OP(MD).14632/2021

Stephen Arockia Nethaji

... Intervene Petitioner/Victim
In Crl.MP(MD).8687/2021 in
Crl.OP(MD).14632/2021

Charles

... Petitioner/2nd Respondent/
Intervener
In Crl.MP(MD).8043/2021 in
Crl.OP(MD).14632/2021

B.Manoj Babu

... Intervene Petitioner/Complainant/
Complainant
In Crl.MP(MD).3197/2022 in
Crl.OP(MD).14632/2021

For Petitioner : Mr.BOMMURAJ.K,
Advocate.

For Respondent : Mr.MUTHUMANIKKAM,
Government Advocate (Crl.Side)

For Intervenors : Mr.P.RAJAGOPALAN,
(in Crl.MP.(MD)No.3197/2021)

: Mr.R.BABU JAGANATH.R.
(in Crl.MP.(MD)No.8043/2021)

: Mr.N.ANANDAKUMAR,
(in Crl.MP.(MD)No.8687/2021)



: Mr.M.S.PARTHIBAN,
(in CrI.MP.(MD)No.8978/2021

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

PRAYER :- For Anticipatory Bail in Crime No.16 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 420, 294(b), 506(ii) r/w 120(b)IPC, in Crime No.16 of 2021, seeks anticipatory bail.

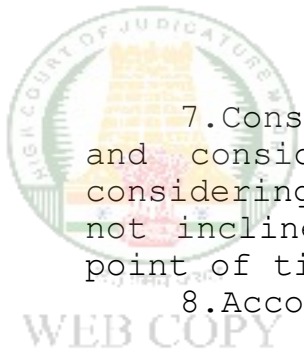
2.The case of the prosecution is that the defacto complainant is running a TVS Bike sales business in the name and style of Anbu Motors and his father one Amburose, who is running a Tractor selling business in the name and style of Anbu Tractors. During the year 2015, the petitioner along with other accused approached the defacto complainant to have a business with them by stocking the red chillies in their Godown and after some time, if they sell the same in the market, they will get good profit and from the profit the petitioner and other accused assured the defacto complainant to give 25% commission in the said profit. Hence, the defacto complainant had transferred the money to the petitioner bank account from 06.04.2015 to 08.03.2019. After investing the amount, the defacto complainant demanded commission amount from the petitioner and other co-accused. But, they evaded to pay the commission and there by cheated the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

4.The learned counsel for the intervenors would submit that the petitioner/first accused is the father and the accused 2 and 3 are the sons of the petitioner/first accused, that they have collected huge investments from the intervenors and also from other persons. They would further submit that no amount has been recovered sofar. Mr.M.S.Parthiban, learned counsel appearing for the intervenor in CrI.M.P(MD)No.8978 of 2021 has also produced the account statement of the petitioner, wherein amounts there were deposits and also withdrawals and as on 15.05.2019, they have shown Rs.49,99,606/- as balance. He would also submit that the second accused had deposited the amount in the bank account of the first accused and also to the third accused and who in turn, deposited the amount in the account of the second accused and the first accused.

5.It is also not in dispute that now the bank account of the petitioner maintained in Tamil Nadu Mercantile Bank Limited, Paramakudi Branch has been freezed.

6.The learned Government Advocate (Criminal Side) appearing for the State would submit that the investigation is pending.



7.Considering seriousness and gravity of the offence alleged and considering the quantum of the amount involved and also considering the objections raised by the intervenors, this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

8.Accordingly, the Criminal Original Petition is dismissed.

sd/-
15/03/2022

/ TRUE COPY /

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

+1. CC to M/S.R.BABU JAGANATH, Advocate SR.No.12566 **(F)**

ORDER

IN

CRL OP(MD) No.14632 of 2021
Date :15/03/2022

SA/PN/SAR.4/24.03.2022/3P/4C