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

Reserved on : 06/09/2022
Delivered on : 08/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.14282 of 2022

Azmathali ... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
DCB Police Station,
Dindigul.
(Crime No. 5 of 2021). ... Respondent/Complainant

For Petitioner : M/s.MOHAN KUMAR.R, Advocate.
For Respondent : Mr.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No. 5 of 2021 on the file of the Respondent police.
ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 120B, 406, 420 and 506 (i) IPC, in Crime No. 5 of 2021 seeks anticipatory bail.

2. The allegation against the petitioner is that on 20.06.2017, A1 and A2 introduced the defacto complainant to invest in share market and the defacto complainant gave Rs.1,50,000/- to them. Thereafter, A5 and A6 contacted the defacto complainant through phone and confirmed the receipt of the amount. A1 to A6 influenced the defacto complainant to invest huge amount in a Company, based on that the accused received Rs.45,85,500/- from the defacto complainant from 20.06.2017 till 29.04.2018. The accused credited Rs.2,13,900/- to the account of the defacto complainant. When ever the defacto complainant produce such document for investment made in the share marked, the accused was not produced. The defacto

complainant asked the accused to repay the amount, the accused failed to repay the amount and threatened the defacto complainant with dire consequences. A case in Crime No.5 of 2021, was registered against the petitioner.

3. On the side of the petitioner, it is stated that the petitioner is running a business in the name and style “Royal Paradise”. The defacto complainant used to come to the shop as the customer. The petitioner appointed A2 in the year 2015 to look after the shop and he appointed A3 in the month May 2017 to look after the shop. It was A2 and A3, who told the defacto complainant and the petitioner to invest huge amount in the share market, promising them to give a huge profit. Since the shop stand in the name of the petitioner an agreement was entered between the petitioner and the defacto complainant, for an investment of Rs.1,50,000/-. For that amount, the petitioner had executed unfilled cheque bearing No.964988, City Union Bank. Thereafter, on 06.07.2017, the petitioner send Rs.17,000/- to the defacto complainant as a profit. Since the petitioner could not get profit, on 02.06.2018 he had transferred the shop “Royal Paradise” in the name of T.Mohammed Usean and Mohammed Ersath. On 18.08.2017, an agreement was entered between the defacto complainant and the petitioner and one Kalil Rahuman. The defacto complainant invested Rs.1,00,000/- with Kalil Rahuman. For that amount, the petitioner herein has executed blank cheque bearing No.07335, Canara Bank. On 18.02.2018, another agreement was entered between the defacto complainant and one Kalik Rahuman and A2 and A3. On various instalment Mohammed Usean received Rs.37,00,000/- from the defacto complainant. Since the business of the petitioner was not profitable, he handed over the business to A2 and A3 on 02.06.2018. The petitioner has not committed any offence and prayed the petitioner to be released on anticipatory bail.

4. On the side of the intervenor, it is stated that Totally 6 accused involved in the offence. The petitioner is A1. From 20.06.2017 till 29.01.2018, the petitioner and others received a sum of Rs.55,85,000/- on various dates. The other accused are all the relatives of the petitioner. Only Rs.2,13,900/- was returned back to the defacto complainant. No share certificate was ever given to the defacto complainant. The alleged agreement dated 24.12.2018 is a fradulent one. There was no such agreement. No such document was given to the defacto complainant.

5. On the side of the prosecution, it is stated that A1 to A3 were doing online business. A1 received RS.1,50,000/- and the receipt of Rs.1,50,000/- was admitted in the bail petition itself. That acused were close relatives of the petitioner. All of them colluded together to cheat the defacto complainant and prayed the petition to be dismissed.

6. Considering the nature of the offence and considering the quantum of money involved and considering the overt act against the petitioner, this Court is not inclined to grant anticipatory bail.

7. Hence, this Petition is dismissed.

sd/-
08/09/2022

/ TRUE COPY /

/09/2022
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,
DCB POLICE STATION,
DINDIGUL.

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

+1. CC to M/S.MOHAN KUMAR.R Advocate SR.No.9899

ORDER
IN
CRL OP(MD) No.14282 of 2022
Date :08/09/2022

LS
SA/SBN/SAR.1/16.09.2022/3P/4C