



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/01/2022
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17208 of 2021

1. A.M.Moorthi Thevar @ Manthira Moorthy,
2. A.Balasubramanian ... Petitioners/Accused 2 & 4

Vs

The State rep.by
The Inspector of Police,
City Crime Branch,
Tirunelveli City
(Crime No.11 of 2021). ... Respondent/Complainant

For Petitioner : M/s.VAIGUNTH.A.S.,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,
Government Advocate (Crl.Side)

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

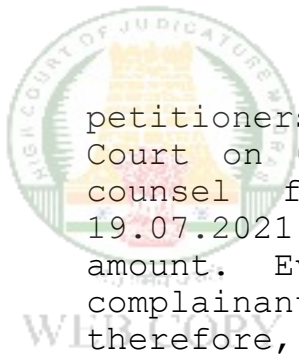
PRAYER :- For Anticipatory Bail in Crime No.11 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 418, 420 and 120(B) of IPC, in Crime No.11 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners, along with one Hari Nadar, have received a sum of Rs.63 Lakhs from the defacto complainant that they would arrange loan with lesser interest and cheated the defacto complainant. Hence, the complaint.

3.On the earlier occasion on 09.06.2021, a representation was made on behalf the first petitioner that he received a sum of Rs.30 lakhs and the remaining amount of Rs.33 Lakhs was received by Hari Nadar and with regard to the amount received by him, he is prepared to return the same. He has already paid a sum of Rs.7 Lakhs and he is also willing to settle the remaining amount of Rs.23 lakhs, within a period of four weeks. Recording the said undertaking of this petitioners, an interim protection against arrest for a period of five weeks was granted by this Court on 09.06.2021. But the



petitioners did not make the payment as agreed by him before this Court on 09.06.2021 and therefore at the request of the learned counsel for the petitioners further time was granted till 19.07.2021. Even thereafter, the petitioners have not paid the amount. Even today, the petitioners claimed that the defacto complainant is not coming forward to compromise the issue and therefore, he has not paid the remaining amount.

4. It appears that this is the second application for anticipatory bail. The earlier anticipatory bail Petition filed in Crl.OP(MD)No.6818 of 2021 was dismissed as against the petitioners on 26.08.2021, considering the conduct of the petitioners in making a false promise before this Court that he would return the money. Now, this application is filed by the petitioners without referring the change of circumstances to consider the case.

5. Since there is no change of circumstance and considering the antecedents of the petitioners, this Court is not inclined to entertain this Criminal Original Petition and the same is accordingly dismissed.

sd/-

27/01/2022

/ 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,
CITY CRIME BRANCH,
TIRUNELVELI CITY
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.17208 of 2021
Date :27/01/2022

SA/VR/SAR.1/24.02.2022/2P/3C