



WEB COPY

CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/10/2022
PRESENT

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

CRL OP(MD) . No.16691 of 2022

1. Ramesh
2. Kanjana
3. Naresh
4. Geetha

... Petitioners/Accused Nos.1 to 4

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Sivagangai District.
Crime No.11 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Amardeep R,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)
For Intervenor : Mr.G.PrabhuRajadurai
Advocate

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

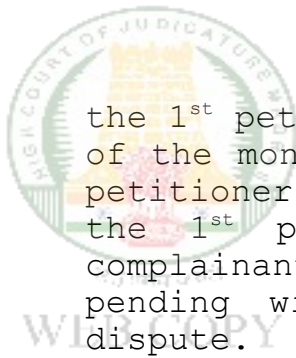
PRAYER :- For Anticipatory Bail in Crime No.11 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 468, 471, 420 r/w 120-B IPC, in Crime No.11 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons cheated the defacto complainant by getting commission.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they are nothing to do with any of the offence as alleged by the prosecution in the complaint. He would further submitted that the 1st petitioner and the defacto complainant got good acquaintance due to the business dealings as both were in furniture and manufacturing business and out of the business dealings, both of them have used to exchange money through online banking and no separate book of accounts has been maintained for the transaction out of good will and the business transaction between



the 1st petitioner and the defacto complainant, through bank of the money paid into the account of the family members of the 1st petitioner by the defacto complainant for business convenience and the 1st petitioner paid nearly Rs.23.75 lakhs to the defacto complainant. He would further submitted that a civil suit is pending with regard to the transaction. It is purely a money dispute.

4.The learned Government Advocate (Crl. Side) would submit that the alleged amount is Rupees Two Crores. Similarly the accused persons have cheated one Pandia Rajan in Chennai in the same manner. Therefore, custodial interrogation is necessary in this case and he strongly opposed to the grant of anticipatory bail to the petitioners.

5.The learned counsel for the intervenor would submit that they created forged document as if it is a Government Order and also used the seal of the Chief Educational Officer to commit fraud upon the intervenor.

6.Considering the facts and circumstances of the case and also the nature of offence and also the huge amount is involved such as Rs.2 Crores, and the submission made by the learned Government Advocate (Crl. Side), this Court is of the considered view that custodial interrogation is necessary in this matter. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners. This petition deserves to be dismissed.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-

12/10/2022

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/11/2022

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

TO

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.I.SUTHAKARAN Advocate SR.No.11310

+1. CC to M/S.G.PRABHU RAJADURAI Advocate SR.No.11288

ORDER IN

CRL OP(MD) No.16691 of 2022

Date :12/10/2022

TM

SA/VR/SAR.2/02.11.2022/2P/5C

<https://www.mhc.tn.gov.in/judis>