



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 06/07/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

WEB COPY

Crl.OP(MD)Nos.18586 and 18854 of 2021

DHEENADHAYALAN
(WRONGLY MENTIONED IN FIR AS DINADAYALAN)

... PETITIONER/ACCUSED No.1
IN CRL OP(MD).18586/2021

KATHIR @ KATHIRVEL

... PETITIONER/ACCUSED No.3
IN CRL OP(MD).18854/2021

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
MADURAI CITY
CR.NO.25 OF 2021

... RESPONDENT/COMPLAINANT
IN BOTH PETITIONS

M.GAJENDRAN

... PETITIONER/INTERVENER
IN CRL.MP(MD).10476/2021 IN
CRL.OP(MD)NO.18586 OF 2021

For Petitioner in
Crl.OP(MD)No.18586 of 2021 : Mr.V.VISHNU, Advocate

For Petitioner in
Crl.OP(MD)No.18854 of 2021 : Mr.C.T.PERUMAL, Advocate

For Respondent : Mr.R.M.ANBUNITHI
In both Petitions Additional Public Prosecutor

For Intervenor
In Crl.MP(MD).10476/2021 in
Crl.OP(MD)No.18586 of 2021 : Mr.S.RAMASAMY, Advocate

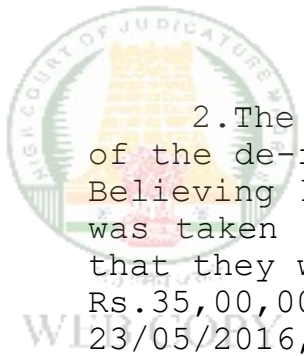
PETITIONS FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C

PRAYER:- For Anticipatory Bail in Crime No.25 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioners, who are arrayed as A1 and A3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 406 and 420 IPC, in Crime No.25 of 2021 on the file of the respondent police, seek anticipatory bail.

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



2.The case of the prosecution is that A1 is the brother of the de-facto complainant. He promised to secure a job to his son. Believing his words, he transferred amount to his account. His son was taken to Chennai. In Chennai, he introduced A2 and A3 stating that they will make all arrangements for getting a job. He arranged Rs.35,00,000/- by selling the property and from other sources. On 23/05/2016, he was taken to the test. But the result was not announced. When enquired, he was taken to A3 and he is also promised that they will return the money. But later, it was known that the examination was cancelled. When he contacted A1, he asked him to contact A2 and A3. They also promised to return the money. A3 remitted Rs.9,00,000/- stating that other accused paid that amount only. A1 returned Rs.2,75,000/-. He has stated that the balance amount is in the hands of A2 and A3. In spite of long wait, the balance amount was not returned.

3. Seeking anticipatory bail, A1 and A3 have the petitioners.

4. Heard both sides.

5. The learned counsel appearing for the petitioners would submit that the petitioner is no way involved in the above said issue and they have also repaid Rs.2,75,000/-, so also A3 was returned Rs.9,00,000/-, which was given to him. So both of them says that the balance amount was in the hands of other accused persons. When there is a balance amount of Rs.25,00,000/- and other things, the matter was referred to Mediation. But it could not be settled for one or other reasons.

6. Reading of the complaint shows that all the accused persons involved in the above said crime. They have not utilised the opportunity by returning the balance amount. As mentioned above, both the parties blaming other party over the issue. So the manner, in which the offence said to have committed and considering the amount, which is involved, the discretionary relief of anticipatory bail cannot be extended to the petitioners.

7. I find absolutely no merit or reason to enlarge the petitioners on anticipatory bail. They have to undergo the process of custodial interrogation, so that in whose custody the balance amount lying can be brought to light.

8. In the result, these criminal original petitions are **dismissed**.

sd/-
06/07/2022

/ TRUE COPY /

/07/2022
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,
MADURAI CITY
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 cc to Mr.C.T.PERUMAL, Advocate, SR.No.30638 **(F)** DATE:08/07/2022

ORDER

IN

CRL OP(MD) Nos.18586 &
18854 of 2021

Date :06/07/2022

SA/VR/SAR.1/12.07.2022/3P/4C