



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

Dated: 26/10/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)Nos.17409 and 17410 of 2022

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Libinjacco

: Petitioner/Accused No.5

Crl.OP(MD)No.17409 of 2022/A5

G.Alex Pandi @ Ajithpandi

: Petitioner/ Accused 4

in Crl.OP(MD)No.17410 of 2022

Ramesh

: Petitioner/Intervenor

in Crl MP(MD)Nos.12109 & 12110 of 2022

Vs.

State rep. By
The Inspector of Police,
District Crime Branch,
Dindigul.

(Crime No.3 of 2022)

: Respondent/Complainant
in both cases

For Petitioner in

Crl.OP(MD)No.17409 of 2022 : Mr.S.Ramasundarvijayraj, Advocate

For Petitioners

Crl.OP(MD)No.17410 of 2022 : Mr.V.Sasi Kumar, Advocate

For Respondent

: Mr.S.S.Madhavan
Government Advocate
(Criminal side)
in both cases

For Intervenor

: Mr.T.Selva Kumaran, Advocate
in both cases

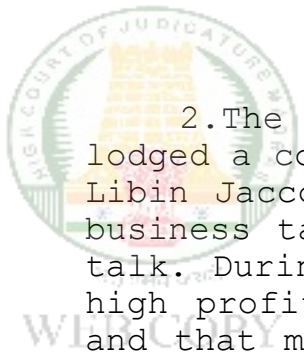
PETITIONS FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C.

COMMON PRAYER:-

For Anticipatory Bail in Crime No.3 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioners, who are arrayed as A4 & A5 apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B) and 420 IPC, in Crime No.3 of 2022 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the de-facto co-accused it lodged a complaint stating that on 25/06/2021, A4-Alex Pandi and A5-Libin Jacco contacted his owner stating that they wanted to have a business talk with his owner. They were invited for the above said talk. During the above said talk, they informed that they are doing high profit trading business and they are having a precious metal and that must be tested and after it is found positive, then they can earn huge profit. For that above process, his owner paid Rs.50 Lakhs to him. A1-Dr-Venkatesh introduced himself as Scientist to test the above said precious metal. A2-Jeganathan stated that he is a Co-ordinator and A6 has stated that he is also a Scientist. On the basis of the above said representation, Rs.22 Lakhs was transferred in their account and balance amount was also paid in cash. On the basis of the above said undertaking, Rs.3.68 Crores of rupees was transferred to the account of Alex Pandi, Jeya Prabhu and Libin Jacco. After three weeks, they stated that they received the metal and that must be tested. Again, they demanded Rs.4.50 Crores. On that account, Rs.4.50 Crores was transferred to the account of Alex Pandi and Rs.25 Lakhs to the above said Dr.Venkatesh and Rs.4.20 Crores and Rs.23 Lakhs to the account of Jeyanathan. So totally Rs.9.20 Crores was cheated. Based upon the above said complaint, the case was registered.

3.Seeking anticipatory bail, the petitioners, who are arrayed as A4 and A5 have filed separate petitions.

4.The earlier petition that was filed by the petitioners along with another accused namely Jeyaprabhu in Crl.OP(MD)Nos.2618 and 2150 of 2022 came to be dismissed by this court, on 02/09/2022. The observation that was made by this court is relevant:-

"5.During the course of hearing, the concerned Investigating Officer also present before this court. But he has stated that several cases are pending against the accused persons before various police stations and huge amount is involved in the above said cheating. The modus operandi is, they used to contact wealth people giving false information that they have precious metals, which are capable of creating positive energy. By this false representation, they indulged in cheating activities. To show the same, they have produced the list of cases that are pending in various police stations.

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7.On going through the CD file, this court is not in a position to agree the contention, that was raised by the petitioners. It is purely a matter



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for investigation. On going through entire CD file and transfer of money through accounts, it is seen that several crores of rupees are involved in this matter. Even though independently money has been transferred to the accused accounts, it is nothing, but joint cheating, for which each and every accused is responsible for the the total amount, which is involved. So unless the petitioners are taken into the custodial interrogation, the truth will not come. The entire money has also to be recovered. Now the investigation is in the preliminary stage."

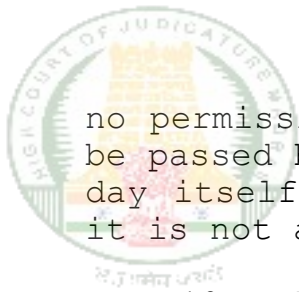
5.After observing so, in the concluding portion, considering the magnitude of the money involved in this case, this court was of the opinion that it is not a fittest case to exercise the power. So all the petitions were dismissed.

6.Now leaving the above said Jeyaprabhu, the other two accused persons namely A4 and A5 have filed these petitions separately. Both were heard together and again CD file has been called for and perused, new facts came to light.

7.As mentioned earlier, Crl.OP(MD)No.2150 batch were dismissed, on 02/09/2022. After the above dismissal, the above said Jeyaprabhu filed Crl.OP(MD)No.16899 of 2022 before this court seeking quashment of the FIR and that was heard by the coordinate Bench of this court and directed the above said Jeyaprabhu to surrender before the concerned Magistrate Court and the Judicial Magistrate concerned was directed to consider the bail application in the light of the order passed by the Sessions Judge, Dindigul in this crime number in respect of other accused persons. In pursuance of the above said order, the above said Jeyaprabhu surrendered and was released on bail by the Judicial Magistrate No.2, Dindigul in Crl.MP No.15573 of 2022, dated 26/09/2022, on the same day of surrender itself.

8.Citing the above said order, the learned counsel appearing for the petitioners would submit that anticipatory bail may also be granted to the petitioners also. But those orders were passed on a regular bail application and the anticipatory bails are standing entirely on different footing.

9.As mentioned earlier, several crores of rupees were involved in this scam and only meagre amount was ordered to be deposited and the petitioners are also ready to deposit the amount in respect of their own share. But as mentioned in the earlier order, several crores of rupees namely about Rs.9,20,00,000/- are involved and several cases are pending against the petitioners and other accused persons in several police stations involving similar type of malpractices. If the petitioners wants any relief, he can approach



no permission is required from this court and no direction so be passed by this court to consider the bail application on the same day itself, because already this court has recorded a finding that it is not a fittest case to exercise the jurisdiction.

10.I find absolutely no reason to differ from the view that has expressed in the earlier application. It is also seen from the CD file that one Ramesh filed Crl.OP(MD)No.13920 of 2022 seeking direction to the respondent to complete the process of investigation and file a final report and that was also allowed by the coordinate Bench of this court, on 02/08/2022 directing the respondent to complete the process of investigation and file a final report within a period of two months from the date of receipt of a copy of the order.

11.So in the light of the above said development, as mentioned earlier, the petitioners are at liberty surrender before the concerned court and seek regular bail. No anticipatory bail is entertainable.

12.With the above said observation, both the criminal original petitions stand **dismissed**.

sd/-

26/10/2022

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/11/2022

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

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TO

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

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

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-11933[I] dated 27/10/2022)

ORDER

IN

Crl.OP(MD)Nos.17409 and 17410 of 2022

Date :26/10/2022

RK/GB/SAR- (02/11/2022) 4P/4C