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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2022

PRESENT

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

CRL OP (MD) . No.18732 of 2022

1. R.Dharmaraj

2. Maruthu @ Yogaprabu

... Petitioners/Accused
No.1 & 2

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Dindigul District.
(Crime No.25 of 2022).

... Respondent/Complainant

V.Chandrabose

... Petitioner/Intervener
(in Crl.M.P. (MD) No.12782/2022)

For Petitioners : M/s.Subash Babu M, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Sarvagan Prabhu, Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.25 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
406, 420 and 506(i) IPC, in Crime No.25 of 2022, seek anticipatory
bail.



2.The case of the prosecution is that the petitioners along with other accused approached the defacto complainant by saying that they are having precious iridium and its Internal market value is several crores. If he is invested in that business, he will get double amount of money. On believing their words, he paid a sum of Rs.3 lakh as cash and a sum of Rs.18 lakh through bank transaction on various occasions. Thereafter, the accused person did not give any amount to the defacto complainant. When he demanded the same as promised them, they threatened him with dire consequences. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners herein are the father and son. The first petitioner is doing Real Estate Business with the defacto complainant. Over which, there is money transaction between them. Because of misunderstanding between them, this false complaint has been lodged. Before registration of the case, enquiry has been conducted by the respondent police. During the course of enquiry, the first petitioner has paid a sum of Rs.6 lakh to the defacto complainant with regard to their business transaction. It is purely a case of civil transaction has been given a criminal colour. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the Intervenor would submit that based upon the complaint given by the defacto complainant, respondent police conducted enquiry. In order to escape from the enquiry, the petitioners have filed anticipatory bail petition before this Court, in Crl.OP(MD)No.14289 of 2022, and the same was disposed, on 08.08.2022 and Crl.OP(MD)Nos.9736 & 9738 of 2022 were dismissed on 01.06.2022. Subsequently, the present case came to be registered by the respondent police. After filing this petition, the petitioners filed not to harass petition in Crl.OP(MD)No.15780 of 2022 and the same was dismissed, on 07.09.2022. Thereafter, they filed a petition in Crl.MP.No.3178 of 2022 seeking anticipatory bail before the learned District and sessions Judge, Dindigul, and the same was dismissed, on 26.09.2022. Suppressing the above said facts, the petitioners approached this Court. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) would submit that totally 4 accused are involved in this case. The petitioners were arrayed as A1 & A2. Total amount of Rs.21 lakh was cheated by the accused. The defacto complainant gave a sum of Rs.3 lakhs as cash and transferred a sum of Rs.18 lakh to the account of all the accused including the petitioners herein on various occasions. The investigation is in very preliminary stage and the custodial interrogation of the petitioners are necessary. Hence, he strongly opposed to grant anticipatory bail to the petitioners.



6.Considering the facts and circumstances of the case and also considering gravity of the offence, the custodial interrogation of the petitioners are necessary, this Court is not inclined to grant anticipatory bail to the petitioners at this point.

7.Accordingly, this Criminal Original Petition is dismissed.

Sd/-
15/11/2022

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/11/2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.18732 of 2022
Date :15/11/2022

SP/SSS/SAR III/23/11/2022/3P/3C