



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

Date : 28/10/2022

PRESENT

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

CRL OP(MD). No.19130 of 2022

WEB COPY

1. Naveen @ Naveenkumar,

2. Venkatesh,

... Petitioners/Accused Nos.1 & 2
Vs

State Rep.by
The Inspector of Police,
Dindugul DCB Police Station,
Dindugul District.
Crime No.29 of 2022.

... Respondent/Complainant

For Petitioner : M/s.K.Sivatharsana, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

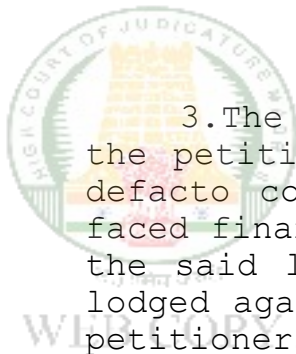
PRAYER :-

For Bail in Cr No.29/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 07.10.2022 for the offences punishable under Sections 406 and 420 of IPC, in Crime No.29 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant, who is practicing Advocate for the past 5 years in Dindigul, Madurai and Palani Courts. After completion of his graduation, he intended to immigrate to Canada for future settlement. He found online advertisement posted by the accused persons and contacted them. They told that they are running an online consultancy in Bengaluru in the name and style "Charlotte Immigration" and they promised to arrange his immigration, for that purpose, they demanded a sum of R.5 lakhs towards the charges. On various dates, they collected a sum of Rs.6,00,000/-. Afterwards, the accused sent a bogus appointment order as if the defacto complainant was selected for appointment as Retail Indent Executive in Campbells Company. After enquiry, it was found that it is a bogus order and then only the defacto complainant realised that the accused cheated him and committed breach of trust. Hence, the complainant.



3.The learned counsel for the petitioners would submit that the petitioners borrowed hand loan a sum of Rs.2,00,000/- from the defacto complainant in various dates. Since the petitioners have faced financial crisis in their business, they are not able to repay the said loan amount, due to which, this false complaint has been lodged against the petitioners. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 07.10.2022. Hence, they may be granted bail.

4.The learned Additional Public Prosecutor for the respondent police would submit that it is case of job racketing and the accused persons cheated the defacto complainant to the tune of Rs.6,00,000/- and the cheated amount is not yet recovered. He would further submit that three more similar type of complaints are pending against the accused persons and the custodial interrogation of the petitioners is very much necessary in this case and the investigation in this case is still pending. Hence, he strongly opposed for grant of bail to the petitioners.

5.Considering the seriousness and gravity of the offence and also considering the conduct and bad antecedents of the petitioners, the objections raised by the prosecution and the amount involved in this case and the facts that the investigation is still pending and custodial interrogation of the petitioners is very much necessary in this case as stated by the learned Additional Public Prosecutor, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-

28/10/2022

/ TRUE COPY /

/11/2022

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

TO

- 1 THE OFFICER INCHARGE
SUB JAIL, DINDIGUL.
- 2 THE INSPECTOR OF POLICE
DINDUGUL DCB POLICE STATION,
DINDUGUL DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.19130 of 2022

Date :28/10/2022

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<https://www.crb.gov.in/> 1/07.11.2022/2P/4C