



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 24/11/2022  
PRESENT

WEB COPY

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

CRL OP(MD). No.20471 of 2022

Datta Pauer @ Dattatraya

... Petitioner/Accused No.2

**Vs**

The State rep.by  
The Inspector of Police,  
DCB P.S., Thoothukudi,  
Crime No.38/2022.

... Respondent/Complainant

V.Saravanan

... Petitioner/Intervener/  
De-facto Complainant  
In Cr1.MP(MD).14447/2022  
in Cr1.OP(MD).20471/2022

For Petitioner : M/s.Joseph Jerry A,  
Advocate.

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

For Intervenor : Mr.D.Saravanan, Advocate

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

**PRAYER :-** For Bail in Cr No.38/2022 on the file of the respondent police.

**ORDER :** The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 04.10.2022 for the offence under Sections 406 and 420 IPC in Crime No.38 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the brother of A1 and both of them are gold smith and the de-facto complainant is having jewellery shop at Kovilpatti and A1 is having wholesale jewellery shop at Kovilpatti. A1 approached the de-facto complainant and told that his brother, A2 is a big gold smith at Bangalore and if he invested money along with his brother, he would make gold jewels in less wastage and subsequently, A2 also spoke with the de-facto complainant through phone and gave assurance and on believing their words, the de-facto complainant gave Rs.11,50,000/- to the accused persons for making 250 grams of gold jewels, but within the stipulated time, they did not make new gold



jewels to the de-facto complainant and when the de-facto complainant asked to repay the amount, the accused persons refused to repay the amount and misappropriated the same and cheated the de-facto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he is in judicial custody from 04.10.2022. He would further submit that the entire amount has been recovered from the petitioner. Hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that there are two accused involved in this case and the petitioner is arrayed as A2. The petitioner along with A1 received a sum of Rs.11,50,000/- from the de-facto complainant making new gold ornaments for 250 grams, but within the stipulated time, they did not make new gold jewels to the de-facto complainant and when the de-facto complainant asked to repay the amount, the accused persons refused to repay the amount and misappropriated the same and cheated the de-facto complainant. He would further submit that the amount is not yet recovered and A1 is still absconding and the investigation is in preliminary stage. Hence, he prayed for dismissal of this petition.

5.The learned counsel for the intervenor concedes the submission made by the learned Additional Public Prosecutor.

6.Considering the gravity and nature of the offence and also considering the fact that the huge amount involved in this case and also the facts that A1 is still absconding and the investigation is in preliminary stage and the custodial interrogation of the petitioner is very much necessary in this case, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-

24/11/2022

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/12/2022

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

TO

1 THE INSPECTOR OF POLICE,  
DCB P.S.,  
THOOTHUKUDI.



2 THE OFFICER INCHARGE,  
DISTRICT JAIL,  
PALAYAMKOTTAI.

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

+1. CC to M/S.D.SARAVANAN, Advocate SR.No.13625 (I)  
Date:24/11/2022

**ORDER**

**IN**

CRL OP(MD) No.20471 of 2022  
Date :24/11/2022

sj i  
SA/BUC/SAR.1/05.12.2022/3P/5C