Crl.OP.No.3083 of 2023

T.V.THAMILSELVI,J.

The petitioner, who was arrested and remanded to judicial custody on 25.11.2022 for the alleged offence under Sections 406, 420 of IPC in Crime No.212 of 2020 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner was doing the business of trading and mining operations in Malaysia and he started a company viz., Silver Mining Resources Sdn Bhd, at Malaysia. While being so, on the assurance of petitioner, the defacto complainant and others invested a sum of Rs.2,15,00,000/- in the said mining business, but the business was not continued due to the ban by the Malaysian Government. However, the petitioner instead of returning the money to the defacto complainant, diverted the same into another company, thereby siphoned the money invested by the defacto complainant and cheated him. Hence the complaint.

3.The learned counsel for the petitioner submitted that this is the second application for bail and the earlier application for bail was dismissed by this Court on the ground that the investigation is not yet completed. He further submitted that he is ready to surrender his passport and also ready to abide by any stringent condition that may be imposed by this Court. He further submitted that even as per the MOU, there was some business transaction between Durai vijayan and the defacto complainant, but the prosecution has not taken any steps to include the said Durai vijayan in this case and only laid the charges against this petitioner. He further submitted that he was doing the business of trading and mining operation in Malaysia from the year September 2015, however, the business was not continued due to the ban issued by the Malaysian Government. He also submitted that now the charge sheet has also been filed and he is in judicial custody from 25.11.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned counsel for the intervenor submitted that believing the words of petitioner, the defacto complainant invested a sum of Rs.2,15,00,000/- in the said mining business, however, the business was not continued, but, instead of returning the money to him, the petitioner diverted the money into another company for some other purpose. So the conduct of the petitioner shows that he will tamper the witnesses and hamper the investigation. Further, he had escaped from Singapore to Malaysia after the Bankruptcy and travelled all over India and now settled at Chennai. He also submitted that the petitioner is not even co-operating for investigation. Hence, he opposed to grant bail to the petitioner.

5.The learned Government Advocate (crl.side) appearing for the respondent submitted that in an earlier occasion, the bail petitions filed by the petitioner were dismissed by this Court. He further submitted that now the charge sheet has been filed. He also submitted that if he is released on bail at this stage, he would tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

6.Taking into consideration the facts and circumstances of the case and also the fact that even though the charge sheet filed before the trial Court, considering the gravity of offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

14.02.2023

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T.V.THAMILSELVI,J.
Vkr

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