



Crl.O.P.No. 6712 of 2023

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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 and 420 of I.P.C. 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, this 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.



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3. The learned counsel for the petitioner submitted that there is no specific overtact attributed against the petitioner and he is an innocent person and he has not at all committed any offence as alleged by the respondent police. He would submit that he is no way connected with the occurrence and he will abide by any condition that may be imposed by this court. He would submit that he was arrested on 25.11.2022 based on the complaint given by the defacto complainant and already the custodial interrogation was completed. Further, the alleged transaction between the defacto complainant and this petitioner is said to be taken in the year of 2015. So, there is no possibility of hampering the investigation and tampering the witnesses. He would further submit that the petitioner has been suffering incarceration from 25.11.2022 and this is third petition seeking for bail. Hence, he prayed to grant bail to the petitioner.

4. The learned counsel for 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, but the business was not



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continued, however, instead of returning the money to him, this petitioner diverted the money into another company for some other purpose and falsely stated that mining operation is banned by the Malaysia Government, thereby he cheated him. Hence, he raised objection and prayed to dismiss this petition.

5. The learned Government Advocate (Crl. Side) appearing for respondent would submit that in an earlier occasion, the anticipatory bail petition filed by this petitioner was dismissed by this court. He would submit that after much difficulty, he was apprehended and huge amount was involved in this case and so far, no amount was recovered. He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation was completed and a charge sheet was filed. Hence, he vehemently opposed to grant bail to the petitioner.

5. On seeing the facts, it would reveal that the petitioner has realised the amount, which was given by the defacto complainant and invested the



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same to some other company for some other purpose and committed fraud.

Considering the facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner, and also the specific allegation against him is that he cheated the defacto complainant by making him to believe that he is going to conduct mining operation at Malaysia, which was already banned by Malasiyan Government and the fact that the investigation was completed and now charge sheet was filed and considering the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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