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Crl.O.P.No.10569 of 2023

Crl.O.P.No.10569 of 2023
and Crl.M.P.No.9086 of 2023

RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 468, 471, 420 r/w 34 of IPC, in Crime No.90 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the the defacto complainant is the wife of one Suresh, who is working as Special Sub-Assistant in Wireless Division of Puducherry Police and in order to commence a new business, she used to talk with her husband and on that basis, they met one Anand, who is running Shri Sairam Paper Mill Pvt. Ltd. The defacto complainant in the presence of her husband used to consult with him from time to time about starting of a new business. it was represented that the A4/Ramamurthy is a Director of Sri Sairam Paper Mill Pvt. Ltd., and the petitioners herein are the owners of Gajjaanand Papers, Kondalankuppam Village, Vanur Taluk, Villupuram District, entered into a sale agreement for purchase of the said



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Gajjaanand Paper Mills., for a valid sale consideration of Rs.2.60 crore and paid Rs.70 lakhs as initial payment and show the papers. Further the said Anand assured to give a post to defacto complainant as Non-executive Director to the said Company and induced her to invest. Accordingly, the defacto complainant totally invested a sum of Rs.78.50 lakhs apart from her 50% share in the Gajjaanand Paper Mills. Thereafter, the petitioner along with other accused in order to deceive the defacto complainant transferred the ownership to A4 and thereby cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. The learned counsel for the petitioner would further submit that there is change of circumstance and hence he filed the present petition. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that there are totally four accused in this case in which the petitioner is arrayed as A2. He would further submit that the petitioner along with other accused in order to provide partnership in the business has received a sum of Rs.1.30 crores on various occasions and cheated the defacto complainant. He would also submit that the petitioner was already granted bail by this Court in Crl.O.P.No.19422 of 2022 on 25.08.2022 on condition that he has to deposit original title deeds (stand in the name of the petitioner or his friends or relatives) not below the value of Rs.1 crore. However, he failed to comply with the said condition and filed this petition. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) for the respondent and perused the entire materials available on records.

6. It is seen that the petitioner was already granted anticipatory



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bail by this Court in Crl.O.P.No.19422 of 2022 on 25.08.2022, on condition that the petitioner shall deposit original title deeds not below the value of Rs.1 crore and thereafter, the same was modified by this Court in Crl.M.P.No.152 of 2022 on 10.10.2022 thereby directed the petitioner to deposit a sum of Rs.25 lakhs as non refundable deposit to the credit of Crime No.90 of 2022. Aggrieved against the same, he filed SLP before the Hon'ble Supreme Court and the same was dismissed on 30.01.2023 and granted four weeks time to deposit Rs.25 lakhs and no further time shall be granted. Thereafter, another modification petition has been filed before this Court in Crl.M.P.No.15269 of 2022 and the same has been dismissed by this Court on 08.03.2023. When hearing this fresh anticipatory bail petition, the petitioner has filed an undertaking affidavit undertaking that he will deposit Rs.25 lakhs before the Judicial Magistrate III, Puducherry, to the credit of Crime No.90 of 2022 within a period of one week.

7. It is brought to the notice of this Court that the Hon'ble



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Supreme Court has stated that no further time shall be granted. In the circumstances, I am not in a position to entertain the undertaking affidavit filed by the petitioner and hence, I find that there is no change of circumstances and accordingly, this criminal original petition is dismissed. Consequently, the intervening petition is also closed.

16.08.2023

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