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CrI.O.P.No.13642 of 2023

CrI.O.P.No.13642 of 2023

and

CrI.M.P.No.9820 of 2023

RMT.TEEKAA RAMAN,J.

The petitioners/A1 and A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419 and 420 of IPC in Crime No.49 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant one Gnana Prakesh, who is a EB contractor had preferred a complaint alleging that his Uncle Vinayaga Murthy through him Purushothaman had approached the 1st petitioner and the prime accused Ramesh for financial assistance and they had informed that they will give double of the amount of Rs.500/- into Rs.2,000/- and the defacto complainant along with the above persons had mobilized the money of Rs.25 Lakhs and informed the Natarajan and he had informed to come to Vellore, when the defacto complainant had came to Vellore as per instructions of Natarajan, the defacto complainant had went in the car and some unidentified persons came there and took away the money of Rs.25 Lakhs and mobile phones. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and in no way connected with the case and he has been falsely implicated in this case. He further submitted that for the reason that the petitioners are well known to the accused in the present case, one Sakthivel, who is the son of the accused Natarajan had given the confession that the entire amount was lying with his father and the main accused Natarajan's son Sakthivel, his sister son Surya and his son-in-law Sivakumar were arrested and the petitioners are roped in as accused as they are known to the prime accused. Therefore, he prays for grant of bail to the petitioners.

4. The defacto complainant has filed the intervening petition in CrI.M.P.No.9820 of 2023 and the same is allowed.

5. The learned counsel for the intervenor/defacto complainant submitted that the defacto complainant is a EB contractor, who purchased the JCB for his contract work under loan from Mahindra Finance in the year 2019. He was not able to pay EMI regularly and as he needed some financial assistance, his uncle Vinayaga Murthy introduced one Purshothaman, through him, he came to know the petitioners/accused and they offered to give financial



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assistance to the defacto complainant on condition that if he gives Rs.25 Lakhs in 500 Rupees notes then the accused will give Rs.50 Lakhs in 2000 Rupees notes and also offered that the defacto complainant has to give interest for the balance 25 lakhs only after one year at bank rate of interest. Believing the same, the defacto complainant has raised loan of Rs.25 Lakhs on 04.06.2023. Thereafter the petitioners/accused along with one Natarajan sent a Innova Car bearing No.TN65 W 5910 and picked up the defacto complainant and his uncle Vinayaga Murthy and while on the way, some person in police uniform stopped the vehicle and questioned and collected our cell phones. Thus, the accused and others have clearly planned, cheated and robbed the defacto complainant's money and hence, he preferred the complaint in Cr.No.49 of 2023.

6.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the 1st accused -Ramesh has been arrested and as regards the 2nd petitioner, he submitted that this matter is doubling the amount and there are nearly 10 previous cases of similar nature as against these petitioners/accused and that investigation is under progress. He further contended that vide order dated 08.08.2023, the anticipatory bail petition filed by another accused-Natarajan has been dismissed by this Court in



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Crl.O.P.No.14123 of 2023 and hence, vehemently opposed for grant of anticipatory bail to the 2nd petitioner.

7. Heard the learned Counsel for the petitioners, learned counsel for the intervenor/defacto complainant and the learned Government Advocate (Crl.side) and perused the materials available on record.

8. Taking into consideration the nature and gravity of the offence and also the strong objection of the learned counsel for the intervenor as well as the learned Government Advocate (Crl.Side) and as the investigation is under progress and further that the prime accused-Ramesh, the 1st petitioner has been arrested and remanded to judicial custody and that the anticipatory bail petition of another accused-Natarajan has been dismissed by this Court on 08.08.2023 in Crl.O.P.No.14123 of 2023, this Court is not inclined to grant anticipatory bail to the 2nd petitioner herein.

9. Accordingly, this Criminal Original Petition is dismissed.

09.08.2023

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