



Crl.O.P.No.14015 of 2023

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and MP.No.8991 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 467, 468, 471, 420, 511 of IPC and 66D of Information Technology Act, in Crime No.2 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Prabhudaran, M/s.Raksha Apparels & Exports, Tirupur is that the accused had induced him on the false promise of supplying gloves and had received an amount of Rs.4 crores and later they have cheated the defacto complainant. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case.



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He would further submit that a case of business transaction has been falsely projected as a case of cheating. He would further submit that Sale and Purchase Agreements have been entered between the parties and as per the agreement if there is any dispute, there is an Arbitration Clause and the defacto complainant without referring the matter to the Arbitration had straight away given a complaint. He would further submit that the petitioner has also issued cheques to show his bonafides. He would further submit that the petitioner has been arrested on 13.05.2023 and he is in custody for more than 40 days and thereby he would seek for bail to the petitioner. He further submitted that the further custody of the petitioner may not be required.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a case of fraud. The defacto complainant was searching for a supplier of nitrile gloves and the accused had contacted him stating that he would be able to supply goods and that he has got valid licenses. Based on the inducement made by the accused, the defacto complainant had sent money to the tune of Rs.4 crores on various dates whereas the accused had



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cheated the defacto complainant. He would further submit that there are four accused in this case and the respondent was able to arrest the petitioner alone and in respect of the other accused, despite issuing notice under Section 41(A) they failed to appear and they absconded. During the course of investigation, the mobile phone of the petitioner has been recovered wherein, the respondent had found the sample signature of Mr.Ajit Doval, the National Security Advisor and he has also got the emblem of the Home Ministry in the phone and there appears to be a larger conspiracy in this case. He would further submit that the investigation is pending and thereby he would oppose for the grant of bail to the petitioner.

5. Mr.A,Nagarajan, the learned counsel for the intervenor would submit that it is a case of larger scale cheating. The intervenor who is a business man in Tiruppur was induced by the defacto complainant during the Covid Lockdown period that he would supply nitrile gloves, believing the same, the defacto complainant had sent amount to the tune of Rs.4 crores through the account of the petitioner and he had cheated the defacto complainant. He



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further submit that the petitioner apart from cheating the defacto complainant on later date in the guise of settling the amount had called the intervenor to Calcutta whereas he had given a false complaint before the local police as if the defacto complainant threatened him with arms. Based on the complaint, the petitioner was detained by Calcutta Police and later after verification they found that the allegations of the petitioner are false. He would further submit immediately on the next day, the petitioner had preferred a complaint under Section 156(3) of Cr.P.C and the case was registered and the petitioner was taken to custody by the local police, fortunately, based on the submission of the Station House Officer, the petitioner was not remanded. He would further submit that the petitioner is a highly influential person and if the petitioner is granted bail at this stage there is every possibility of the petitioner interfering in the investigation and tampering the evidence and thereby he would seek for the dismissal of the bail to the petitioner. He further submitted that the petitioner had earlier threatened the defacto complainant using the names of important dignitaries.



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6. Taking into consideration the facts and circumstances and also the submissions made by the learned counsel on either side and also taking note of the gravity of the offence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

27.06.2023

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