



Crl.O.P.No.23408 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioner/A3 in Crime No.6 of 2023 registered by the Respondent Police for the offences under Sections 120B, 406, 420 and 506(ii) IPC with respect to an occurrence which took place between 27.09.2018 and 22.01.2023, seeks anticipatory bail.

2. It is the case of the defacto complainant, that the 1st Accused came to be introduced to her through her common friend and the 1st Accused also introduced his Wife/2nd Accused, his brother 3rd Accused/Petitioner herein and the son of the 3rd Accused namely 4th Accused and the paternal uncle's son of the 1st Accused namely 5th Accused, to the defacto complainant. The 5th Accused had stated that he is running a business in the name of M/s.Vinayaga Impex and that if the defacto complainant offers properties for promotion of the business, she could be added as a partner. It is stated that the defacto complainant had offered the title deeds pertaining to four of her properties to the 1st Accused. On 27.09.2018, the defacto complainant was asked to come to the office of Sub-Registrar, Perunthurai and it was informed that she had been inducted as a partner. She was paid a sum of



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Rs.30,00,000/-. It was further stated that however the Accused had mortgaged her properties and had obtained a sum of Rs.1,50,00,000/- (Rupees one crore and fifty lakhs only) and had transferred the said amount to various accounts. Thereafter, a separate Firm was started in the name of the defacto complainant and an Innova Crysta car came to be purchased. An equal monthly installment for the said car was not paid and the officials came to seize the car. At that time, the defacto complainant came to realize that her properties had actually been mortgaged and a sum of Rs.1,50,00,000/- (Rupees one crore and fifty lakhs only) had been gained by the Accused persons.

3. This Court wanted an affidavit to be filed by the Petitioner about the various bank accounts in which all the Accused persons have opened and accordingly, the Petitioner had also filed an affidavit wherein he had stated that he has only two bank accounts in Indian Overseas Bank and South Indian Bank both at Tiruppur.

4. But however, the case of the prosecution as reflected in the status report, is that there are several cases pending against all the Accused



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persons by various complainants and they had adopted the same *modus operandi*.

5. It had been stated by the learned Government Advocate (Criminal Side) that the Accused had accounts in various other banks also and they have given requisition letters to the Branch Manager, Catholic Syrian Bank at Erode, South Indian Bank at Erode, Indian Overseas Bank at Erode, HDFC Bank at Erode, ICICI Bank at Erode and Axis Bank at Erode. The details of the 4 previous cases against all the Accused persons had also been stated.

6. The learned counsel for the Petitioner invited me to examine the allegations in the First Information Report against the Petitioner herein and stated that in each of the First Information Reports, the defacto complainants had stated that on 22.01.2023, they had all uniformly gone over to the house of the present Petitioner demanding return of money and then the Petitioner had abused and threatened them and that was necessity for lodging of the complaint. But a further reading of the First Information Reports would indicate that the cheques given by the Accused persons had been dishonoured



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and the defacto complainants had gone over to meet the 1st Accused, who told them to go over to the house of this Petitioner on 22.01.2023. Therefore, it is clear that all the Accused persons are acting together.

7. In view of the fact that the status report reflected that substantial investigation still has to be done and the fact that all the Accused persons are under one family unit and the fact that the Accused A5 is a closed associate of the Accused A1 to Accused A4 and the fact that the investigation is at initial stage and the fact that a custodial interrogation is required, this Criminal Original Petition seeking anticipatory bail stands dismissed.

07.12.2023

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