



CRL.O.P.No.29431 of 2022

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WEB CO **T.V.THAMILSELVI,J.**

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 406 and 420 of I.P.C in Crime No.107 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are employed in Nigeria and they were best friends. Whiles the petitioner pretend himself as a saint and he will perform Bhajan and poojas and he involved in the family affairs of the defacto complainant's and became well acquainted to the family of the defacto complainant. He will forecast about the future of the family members of the defacto complainant and tell them, due to which the defacto complainant trusted him and blindly followed him. Taking advantage of the situation the petitioner induced the defacto complainant to donate money for charitable purposes i.e., contribution to eye operation, performing poojas etc., and thereby on different occasions and different mode he received a sum of Rs.2.05 crores from the defacto complainant. Thereafter it came to light that



the petitioner is doing black magic and the defacto complainant asked the petitioner to return back the money and the ATM card and he refused to do so. The further case is that the petitioner had spent the money received from the defacto complainant for the educational expenses of his daughter. Hence the complaint.

3.The learned counsel for the petitioner would submit that the defacto complainant voluntarily came forward and contributed the money to the charitable purposes and he has not induced him to donate. He further submits that he have receipts for the money spent to the charitable purposes. He further submits that there was a misunderstanding between the petitioner and the defacto complainant due to which a false case has been foisted against the petitioner. Hence he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner under the pretext that he is a saint and he used to do donations for charitable purpose and he done some magic and made the defacto complainant to believe his drama and thereby cheated the defacto complainant to the tune of Rs.2.05 crores. That apart he has involved in the



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family affairs of the defacto complainant and separated the defacto complainant from his family. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the gravity of offence committed by the petitioner and if the petitioner released on anticipatory bail, there is a possibility of tampering evidence and investigation may include custodial interrogation of the petitioner to unearth his mystic activities, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed. However the respondent police is directed to ensure that the FDR receipts to the tune of Rs.44,00,000/- should be credited to the Crime No.107 of 2022. and not to be encashed until completion of the entire proceedings.

09.02.2023

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