



CrI.OP.No.25623 of 2023

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CrI.O.P.No.25623 of 2023
and CrI.M.P.No.18391 of 2023

C.V.KARTHIKEYAN, J.

The petitioner/A2 who was arrested and remanded to judicial custody on 06.09.2023, for the offences punishable under Sections 406, 420, 465, 467, 468 of IPC r/w 120B IPC, in Crime No.143 of 2023 on the file of the respondent Police, seeks bail.

2. There are totally four accused. A4 is still absconding. The petitioner is arrayed as A2. It is stated that the accused had joined together to commit the act of cheating against the defacto complainant who had retired from Integral Coach Factory at Perambur and who was possessed of his retirement benefits. The defacto complainant had also availed housing loan.

3. It is the case of the prosecution that all the accused had projected that they were in possession of Iridium worth about Rs.600/- crores and that if it is mixed with certain other metals, the total value would increase further and the petitioner and all the accused would gain a profit of Rs.250/- crores. Trusting these words, but quite foolishly on the part of the defacto complainant, he had parted with a sum of Rs.1.43/- crores. So far as direct transfer of amount to the account of this petitioner is concerned, on the side of the prosecution, it is stated that a sum of Rs.4,00,000/- had been transferred but however, learned Senior counsel for the intervenor/defacto complainant states it is Rs.15,00,000/-. It is also jointly stated that a sum of Rs.30,00,000/- had been given to this



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petitioner in cash.

4.It is also stated that the accused persons have created a forged document in the name of Defence Research & Development Organisation first certifying to the quality of the Iridium and its genuinity while the certificate itself was false and another document about the receipt of Rs.60/- crores from another prospective purchaser for the said Iridium. The entire documents have been established to be forged and fake by a certificate issued by the very same Defence Research and Development Organisation.

5. The learned Senior Counsel on behalf of the petitioner pressed issuance of bail on the strength that the trial would take many number of years to complete and therefore, placed reliance on the judgment of the Hon'ble Supreme Court in SLP(C) No.6888 of 2015 (Angela Harish Sontakke Vs. State of Maharashtra) dated 04.05.2016, wherein, the Hon'ble Supreme court had granted bail to the appellant therein, since he had been in custody for about five years from April 2011 and the trial had not yet commenced. But in the instant case, the petitioner had been taken into custody only on 06.09.2023 and therefore, on that particular fact, the reasoning of the Hon'ble Supreme Court may not be directly applicable and on facts is distinguishable. Be that as it may, one of the primary reasons for which the trial may not even commence is the absconding of A4. It is also evident that the accused had alternatively taken a decision to ensure that one of them absconds so that the judicial process can never commence.



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6. It is the petitioner herein who will have to convince the other accused with whom he has been charged under Section 120B of IPC for conspiracy to also subjugate themselves to judicial process and he cannot place the blame on the judicial process.

7. Taking all these factors into consideration, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

21.11.2023

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