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Crl.O.P.Nos.25943 and 26198 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners/A2, A3 have filed Crl.O.P.No.26198 of 2023 and A5 has filed Crl.O.P.No.25943 of 2023 both in Crime No.43 of 2023 registered by the respondent Police for the offences punishable under Sections 409, 420 and 120(B) of IPC.

2. It is the case of the defacto complainant that the defacto complainant had advanced a sum of Rs.1,67,19,764/- to A1 for supply of iron and steel products.

3. It is stated that neither was the money returned nor goods supplied. In the Counter affidavit filed, it had been stated that to avoid investigating agency, A3 had lodged a complaint before the Madipakkam Police Station that from 04.04.2023 onwards A1 was missing. A case was registered in Crime No.149 of 2023 as "Man Missing" and subsequently, it had also been stated that A1 had filed I.P.No.300 of 2023 before the First Additional Special Court at Coimbatore. Since A1 had surfaced, Crime No.149 of 2023 was closed. It is seen that lodging of that particular



compliant shows complicity between A1 and A3.

4. It is also stated that using the same *modus operandi*, complaints had been received from 11 other complainants and the total amount involved is Rs.4,53,84,547/- quite apart from Rs.1,67,19,764/- as advanced by the complainant in this particular case.

5. It is the argument advanced by the learned Counsel for the petitioners herein that there are no indications to show that the petitioners herein benefited from the payment of money by either by the defacto complainant or by anybody else. That is a fact, which can be discerned only during the course for investigation. Investigation can commence only when the accused are secured. Investigation can never commence when the accused are absconding. Moreover, the attitude of the accused in filing a false complaint as "Man Missing" also shows that there is a concerted effort to avoid any further investigation process.

6. Though, it is complained that not even one rupee had been received by any of the petitioners, that fact can be established only when the accused are secured and the bank details are examined to find out whether there had been any transaction among the accused persons about



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the money received.

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7. Learned Counsel pointed out to the First Information Report.

But the First Information Report cannot be stated to be complete information. It would only state information to the knowledge of the defacto complainant. But the transactions among all the accused persons who form one family unit can be discerned only after the accused are secured.

8. Taking all these factors into consideration, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

12.12.2023

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