



WEB COPY



Crl.O.P.No.26971 of 2023

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And
Crl.M.P.No. 19403 of 2023
C.V.KARTHIKEYAN, J.

The intervening Petition in Crl.M.P.No. 19403 of 2023 is allowed.

2. The petitioners/ accused Nos. 2 and 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 506(i), 120(b) and 34 of IPC, 1860, in Crime No. 270 of 2023, seek anticipatory bail.

3. The learned counsel for the petitioners proclaimed the innocence of the petitioners and total ignorance of the whereabouts of their own daughter/A-1 and sought indulgence of this Court.

4. It is the case of the prosecution that the defacto complainant, who is also a senior citizen and related to the petitioners herein, had apparently, on the intimation of the first accused, who is running a fixed income scheme had induced the defacto complainant to part with a substantial amount of Rs.1.53 crores to be invested in shares. A sum of Rs.20/- lakhs alone has been repaid and the other amount has been wiped out claiming loss.



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5. The learned counsel for the petitioners stated that legal notice had been issued on behalf of the fourth accused on 07.02.2023 by a counsel addressed to the defacto complainant calling upon the defacto complainant to go over to the office of that particular advocate to settle the issues. The Advocate is expected to discharge professional work and it is beyond comprehension to accept that calling upon the opponent client to to his office is discharge of professional work. A reply had been sent to the defacto complainant on 09.06.2023 wherein it had been stated that they had transactions only with the first accused and had no transaction with the fourth accused on whose behalf the notice had been issued. It had stated that the accused had conspired to misappropriate the amount of Rs.1.53 crores paid by the defacto complainant to the first accused.

6. The learned counsel for the petitioner placed reliance on this particular reply notice and stated that there has been no reference made to the petitioners herein. That reply notice was issued as a reply to the notice issued on behalf of the fourth accused. If the first accused had acted independently, then there was no necessity to issue a notice on behalf of the fourth accused in the first place. The notice which was



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issued had been replied. A complaint had been thereafter lodged and it is the contention that the accused as a family had cheated the petitioners to a sum of Rs.1.53 crores in a fixed income scheme.

7. I am not impressed with the claims of innocence on behalf of the petitioners herein. It is stated that the first accused had appeared on 08.11.2023 in reply to notice under Section 41-A and thereafter had not appeared. There should have been co-operation extended to the Investigating Agency particularly by disclosing the bank details and the bank accounts to enable the Investigating Officer to find out interse transactions among the accused persons. The Investigation will have to be focused on those lines. Grant of anticipatory bail is not the answer. Hence, this Criminal Original Petition stands dismissed.

13.12.2023

vsg

C.V.KARTHIKEYAN, J.



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