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CRL OP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.529 of 2023

N.Raja Mohammed

... Petitioner/Accused

Vs

State Rep by
The Inspector of Police,
CCB Trichy, Crime No.15 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Vijayakumar S,

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

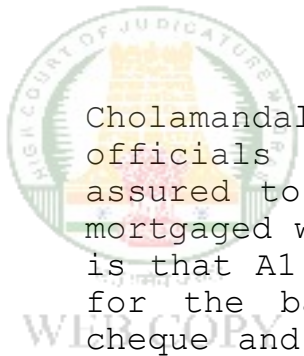
PRAYER :-

AB.For Anticipatory Bail in Crime No.15 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420,421, 422 and 424 of IPC in Crime No.15 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is as per the defacto complainant Manikandan is that the first and second accused are husband and wife and they have purchased a property at Thillai Nagar and mortgaged the property in Cholamandalam Investment and Finance Company Limited and subsequently inorder to redeem the mortgage the accused persons have approached the defacto Complainant's Axis Bank and demanded financial assistance to the tune of Rs.1,46,50,000/- for settling their pending loan in Cholamandalam Investment and Finance Company Limited. Believing the same, the defacto Complainant/Axis Bank had remitted a sum of Rs.1,44,86,618/- to the



Cholamandalam Investment and Finance Company Limited officials of Cholamandalam Investment and Finance Company Limited assured to release and handover the original documents which were mortgaged with them to the defacto complainant. The further averment is that A1 and A2 had to pay a balance amount of Rs.41,00,923/- and for the balance amount the first accused/Raja Mohamed issued a cheque and the said cheque was returned as insufficient funds and the said Raja Mohamed had not returned the original documents after redeeming the same from Cholamandalam Investment and Finance Company Limited to the defacto complainant. Later the accused 1 and 2 in collusion with the Cholamandalam Investment and Finance Company Limited had sold the property to third parties, thereby cheated the defacto complainant to the tune of Rs. 1,44,86,618/-. Hence the case.

3.The learned counsel for the petitioner submitted that he is innocent and has not committed any offence, as alleged by the prosecution. The entire case of the prosecution is borne out of records and the custodial interrogation of the petitioner is not necessary in this case. The petitioner's wife has been granted bail by this Court in Crl.OP(MD)No.21083 of 2022, dated 05.12.2022, with a condition that the one Iqbal/petitioner's brother-in-law in Crl.OP (MD)No.21083 of 2022 had offered to give his property worth about Rs.60 lakhs. Hence, prays to release him on anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the petitioner is arrayed as A1. The accused persons have cheated the defacto complainant to the tune of Rs.1,44,86,618/-. The petitioner in collusion with the Manager of Cholamandalam Investment and Finance Company Limited, had committed the offence, without the knowledge of the defacto complainant. In Crl.OP(MD)No.19056 of 2022, the said Manager of Cholamandalam Investment and Finance Company Limited had filed a petition for anticipatory bail and the same was dismissed by this Court on 31.10.2022. Against the said order, he approached the Hon'ble Apex Court in Special Leave to Appeal (Crl) No.10991 of 2022, which was dismissed by order, dated 16.12.2022, with a direction to surrender on or before 02.01.2023 and to seek the relief before the competent Court for grant of regular bail. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Considering the nature of the case and the fact that the co-accused in this case has earlier approached this Court for anticipatory bail and the same was dismissed by this Court on 31.10.2022. Against which, he filed a petition before the Hon'ble Apex Court in Special Leave to Appeal (Crl) No.10991 of 2022, which was also dismissed by the order, dated 16.12.2022 and also considering the fact that the petitioner has not complied with the order of the Hon'ble Apex Court, this Court is not inclined to



CRL OP(MD)



23

grant anticipatory bail to him.

7. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
10/01/2023

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. The Inspector of Police,
CCB Trichy,

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.VIJAYAKUMAR S, Advocate (SR-541[I] dated 11/01/2023)

ORDER

IN

CRL OP(MD) No.529 of 2023

Date : 10/01/2023

TR/MMS/SAR-II(24.01.2023) 3P 4C