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CRL OP(MD).



23

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

Date : 08/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.3690 of 2023

S.Prabhu

... Petitioner/Accused No.3

Vs

The State rep. by,
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
Crime No.39 of 2022.

... Respondent/Complainant

For Petitioner : Mr.N.Padmaboopathi, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.39 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of I.P.C., in Crime No.39 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner along with other accused was doing business in the name and style of M/s.Grand Eco Motors (P) Limited. The said company was interested in opening their factory in Thoothukudi District, for which, the first accused approached the defacto complainant, namely, M/s.Pear City Engineering Builders and made a contract with the defacto complainant. Thereafter, the first accused issued a cheque for a sum of Rs.3,00,00,000/- without a date to the defacto complainant. In the meanwhile, the first accused also



agreed to offer the dealership for Electrical vehicles to the defacto complainant, and an agreement was also made between them. Thereafter, the defacto complainant transferred a sum of Rs.50,00,000/- through an account transaction, but the dealership was not given to the defacto complainant. Hence, the complaint.

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3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. It is seen that the petitioner is arraigned as the third accused in this case and already, accused Nos.1 and 2 were arrested and released on bail. In so far as the petitioner is concerned, he introduced the customers to the first and second accused. According to the defacto complainant, he is also one of the victims and also gave a lump sum amount to the first accused in order to obtain a dealership for electrical vehicles.

5. On perusal of the records revealed that the petitioner also equally played a role along with A.1 and A.2 and swindled the amount to the tune of Rs.2 crores and 72 lakhs. That apart, in other Districts, similar types of cases were registered as against A.1 and A.2 and the custodial interrogation of the petitioner is very much required. Accordingly, this Criminal Original Petition is dismissed.

sd/-

08/03/2023

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/03/2023

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

PS

To

1. The Inspector of Police,
District Crime Branch,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.PADMABOOPATHI N, Advocate SR-3921[I]

ORDER

IN

CRL OP(MD) No.3690 of 2023

Date : 08/03/2023

NA/BUC/SAR-3/16.03.2023/2P/4C

<https://www.mhc.tn.gov.in/judis>