



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.6496 of 2022

WEB COPY

1.Vinothkumar Somani
2.Sree Bhahavan Somani

... Petitioners/A1 & A2

-vs-

State through
The Inspector of Police,
CCB Police Station,
Trichy City
(In Crime No.7 of 2022)

... Respondent/Complainant

Ashok Kumar

... Petitioner/Intervenor/Defacto Complainant
in CRL MP(MD)No.5605 of 2022

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on anticipatory bail in the event of his arrest by the respondent Police with respect to Cr.No.7 of 2022.

For Petitioners : Mr.Muthukamatchi

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

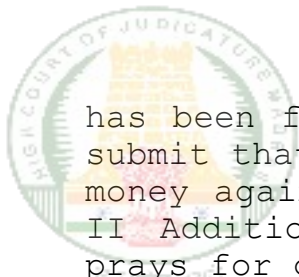
For Intervenor : Mr.P.Ganapathi Subramanian

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 406, 417, 420, 506(1) IPC in Crime No.7 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Asaithambi is that the accused had induced him and purchased medicines worth of Rs.23,17,160/- and they have also assured that the amount will be settled within 15 days. However, they have not paid the amount and when they demanded the amount, they have threatened the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a case of business transaction



has been falsely projected as a case of cheating. He would submit that the defacto complainant has filed a suit for recovery of money against the petitioners and it is pending on the file of the II Additional District Judge, Trichy, in O.S.No.392 of 2022. He prays for grant of anticipatory bail to the petitioners.

WEB COPY

4. Per contra, the learned Government Advocate (Crl.side) would submit that the petitioners have purchased the medicines from the defacto complainant on the premise of settling the amount and they have not paid the amount and when the amount was demanded, they have threatened the defacto complainant. He would further submit that apart from cheating the defacto complainant, the petitioners have also cheated several other persons and with regard to the same, private complaint is pending on the file of the Metropolitan Magistrate for CCB and CBCID cases in C.C.No.106 of 2022 in respect of the amounts to the tune of Rs.2,65,000/-. He would also submit that it is *modus operandi* of the petitioner to project a case of business transaction and induced the persons and cheated the amounts. Hence, he would strongly object for grant of anticipatory bail to the petitioners.

5. Mr. Ganapathy Subramanian, learned counsel appearing for the intervenor would submit that in order to recover money, the defacto complainant has filed a suit. However, the petitioners have not only cheated the defacto complainant but also several other victims in the same *modus* and though the entire products have been sold to the third parties and received the amounts and they have not paid the amount to the defacto complainant and committed criminal breach of trust. He would pray for dismissal of this application.

6. Heard and perused the materials available on record.

7. Considering the *modus operandi* of the petitioners that they have cheated the victims by projecting as business transaction and received products from several other persons and cheated them, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

sd/-

10/02/2023

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/02/2023

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

TO

1 THE INSPECTOR OF POLICE
CCB POLICE STATION, TRICHY CITY,

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



CRL.O.P(MD)



22

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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ORDER

IN

CRL OP (MD) No.6496 of 2022

Date :10/02/2023

SS/BUC/SAR II (23.02.2023) 3P 3C