



CRL OP(MD). No.13130 of 2023

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

Date : 27/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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Jeyaraman ... Petitioner/3rd Accused
Vs

1.The State, through
The Inspector of Police,
Teppakulam Police Station,
Madurai City, Madurai.
(Crime No.572 of 2021). ...1st Respondent/Complainant

2.The Inspector of Police,
EOW, Madurai City,
Madurai. ... 2nd Respondent

For Petitioner : Mr.R.R.Thamothar Raja, Advocate.

For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor.

For Intervenor : Mr.M.S.Anandha Rajagopal, Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.572 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/3rd accused, who apprehends arrest at the hands of the



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respondent Police for the offences punishable under section 420 and 406 I.P.C., in Crime No.572 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioner are the family friends. Accordingly, the first accused gave a false hope to the defacto complainant, requested to give high interest. Further alleged that in the year 2018, the defacto complainant has deposited her jewels of 586 grams to the value of Rs.18,00,000/- with the first and second accused for business. Also received interest Rs.35,000/- per month till June 2019. Thereafter, the first and second accused have not given any interest, profit to her. Therefore, she claimed to return her investment amount to the tune of Rs.18,00,000/- with interest. But the accused Nos. 1 and 2 had made a threat. Instead of returning the said amount with an intention to cheat the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit the petitioner is an innocent and he has not committed any such offence as alleged by the prosecution. This petition has been filed on the ground that there is no specific allegation made against the petitioner with regard to the above said cheating. The entire allegation has been made against the accused Nos.1 and 2 only. This petitioner is acting as a collecting Agent, so he paid money to the accused Nos.1 and 2. He is no way involved in the above said issue.



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4. The learned Additional Public Prosecutor would submit that during the course of investigation, further statement was recorded from the defacto complainant, wherein, she has stated that, to this petitioner on 31.10.2018 totally 611 grams of gold jewels were given, out of 611 grams, 25 grams of gold jewels returned to her and remaining are in custody of the above said persons.

5. According to the learned counsel for the petitioner, further development has not been taken into account. Further submitted that the second accused has been granted bail by the learned Principal Sessions Judge, Madurai in C.M.P.No.6019 of 2021.

6. The learned Additional Public Prosecutor would submit that totally Rs.18,00,000/- is involved in this subject and no recovery has been made so far, since the first accused is absconding. Hence, he made strong objection to allow this petition.

7. The learned counsel for the petitioner would rely upon the order that has been passed for the second accused. But it appears that during hearing, the statement of the defacto complainant was not brought to the notice of the learned Principal Sessions Judge, Madurai. So, the petitioner cannot take advantage of the above said order, since accused No.1 is absconding.

8. Considering the facts and circumstance of this case and considering the



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gravity of offence, this Court is not inclined to grant anticipatory bail to the
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petitioner. Hence the petition stands dismissed.

sd/-
27/07/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE INSPECTOR OF POLICE
TEPPAKULAM POLICE STATION, MADURAI CITY, MADURAI 20
 - 2 THE INSPECTOR OF POLICE,
EOW, MADURAI CITY, MADURAI.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.R.THAMOTHAR RAJ, Advocate (SR-11427[I] dated 28/07/2023)

ORDER
IN

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Date :27/07/2023

PKP/MMS/SAR- /10.08.2023/ 4P/ 5C

Madurai Bench of Madras High Court is issuing certified
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