



CRL OP(MD). No.13368 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13368 of 2023

Jeyaraj

... Petitioner/ Accused No.1

Vs

The State, through
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.152 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.A.ALAGURAJA,
Advocate.

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

For Intervenor : Mr.SHAKUL HAMEED, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.152 of 2023 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/ Accused No.1, apprehending arrest at the hands of the
respondent Police for the alleged offence punishable under Sections 406 and 420

I.P.C, in Crime No.152 of 2023 on the file of the respondent Police, seeks anticipatory



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2. The case of the prosecution as per the defacto complainant version is that promising to secure job as Nurse, this petitioner alleged to have received Rs.2,20,000/- through Phone Pe mobile application. Apart from that Rs.50,000/- was also paid in cash. Totally, Rs.2,70,000/- was paid. After receiving of above said money, job was not secured. When the money was demanded back, the petitioner issued a cheque for Rs.3,00,000/- drawn on Tamil Nad Mercantile Bank in favour of the defacto complainant, that was also bounced. When that was enquired by him, he was criminally intimidated and tried to be assaulted. So, the above said complaint has been given.

3. The learned counsel for the petitioner would submit that the petitioner moved the anticipatory bail along with second accused before the concerned Court, the second accused has been granted anticipatory bail and with regard to this petitioner, the anticipatory bail petition was dismissed. Further stated that, absolutely no document has been enclosed along with the complaint to show the transfer of money in the petitioner's account.

4. But perusal of CD file shows that the documents have been collected to show the transfer of money. Apart from that it is not denied that he issued a cheque for Rs.3,00,000/- in favour of the defacto complainant. So, the transaction cannot be



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disputed by the petitioner now.

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5. According to the petitioner, the cheque is issued in favour of the defacto complainant and it bounced. So, the defacto complainant filed a complaint under Section 138 of Negotiable Instrument Act.

6. Considering the fact that the defacto complainant was cheated by this petitioner twice. First time by receiving money and failed to secure the job. Second time, the petitioner failed to honour the cheque, which was issued by him. This type of attitude cannot be encouraged. It is sufficient to the petitioner not to claim any discretionary relief. Hence, this anticipatory bail petition deserves dismissal and accordingly dismissed.

sd/-
23/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
MADURAI DISTRICT.

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

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



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+1. CC to M/S.M.SHAKUL HAMEED, Advocate SR.No.12721

ORDER
IN
CRL OP(MD) No.13368 of 2023
Date :23/08/2023

SA/VR/SAR. /11.09.2023/4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.