



Crl.OP(MD)No.13970 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 10/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.13970 of 2023

Veerachinnammal @ Viji

: Petitioner/ Accused

Vs.

State rep. by
The Inspector of Police,
Cyber Crime Police Station,
Madurai City.
(In Crime No.31 of 2023)

: Respondent/ Complainant

P.Shanthi

: Intervener/ Defacto Complainant
in CRL MP(MD)No. 11059 of 2023

For Petitioner : Mr.K.Neethimohan, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For Intervenor : Mr.M.Gururaj, Advocate
In Crl MP(MD)No. 11059 OF 2023

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

PRAYER:- For Anticipatory Bail in Crime No.31 of 2023 on the file of the Respondent
Police.

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



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ORDER: The Court made the following order:-

The petitioner, who is arrayed as an accused apprehends arrest at the hands of the respondent police for the offences punishable under sections 120(B), 406, 420, 465, 468, 471 IPC and section 66(D) of ITA Act, 2008, in Crime No.31 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that she was working as Deputy Director attached to Agricultural Department, Theni. One VDMS Trust is functioning in Karaikudi. One Jeyabharathi working as Secretary in the above said Trust. They become friends and used the de-facto complainant to render financial assistance frequently. The above said Jayabharathi informed that one Veerachinnammal Viji, the petitioner herein is affected by cancer. One Niranjana and her husband Kelvin, who were working as Doctors in London wanted to help her. So they sent a parcel containing gold bar worth about Rs.3 Crores. Jayabharathi asked the de-facto complainant to extend help for claiming the above said parcel. Veerachinnammal Viji also informed the de-facto complainant about the parcel and messages. Both of them requested Rs.3,00,000/- as hand loan. Believing the words of the above said persons, she handed over 10-3/4 sovereigns of gold for raising money.



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After that, they have also demanded Rs.5,00,000/- for treatment. Considering the pathetic situation, again handed over Rs.25,00,000/- for raising money. Some-time, she made enquiry with regard to the Bank with which the above said pledge was made. But no proper reply was given.

3.In 2022 in the month of May, Veerachinnammal Viji, Jayabharathi and Arun Mahasrinivasan, his wife Divya and Karthikeyan, who is the husband of Viji, again informed that foreign fund worth about Rs.4 Crores has also sent by the above said Team Niranjana and Calvin for releasing the above said funds. They wanted her help. Again, she handed over 320 sovereigns of gold for raising money to release the above said fund. After that, she has also transferred money to the account of Veerachinnammal Viji on various dates. Further details are mentioned in the FIR. Totally, 4,50,000/- was given in cash. Apart from that, 358 sovereigns of gold jewels. But after that, there was no proper reply from the above said persons. Again, on the request made by the above said persons, amount was transferred by her. The above said funds transfers are mentioned in detail in the FIR. According to her, totally Rs.1,47,07,000/- was transferred. Since, no proper reply was given, she came to know that she was cheated again. She filed this complaint as stated above.

4.Seeking anticipatory bail, this petition has been filed. Intervenor, who is the de-facto complainant also come on record.



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5.The learned counsel appearing for the petitioner would submit that one Bharathi was working as Secretary of VDMS Trust, Melur. The petitioner was informed that if Rs.10,000/- is deposited, return will be given in huge manner. But the above said Bharathi did not keep her promise. Whenever request was made, she was stating that funds were not received from German. Totally, Rs.50,00,000/- was deposited by different persons. In the meantime, the above said Kelvin became acquainted with the above said Bharathi. Kelvin promised her to transfer foreign money. Believing the above said words, Bharathi deposited Rs.30,000/- in the Kavin's account. The above said transaction is known to this petitioner. In the course of investigation, summon was issued to him and also appeared. Since the de-facto complainant was unable to recover the money and a false complaint has been filed implicating this petitioner also. So, according to him, the story that has been stated by the de-facto complainant is totally unbelievable in nature. If the de-facto complainant really wanted to help the petitioner, she ought to have given money in cash and not in the form of jewels. According to him, this itself is false.

6.The intervenor has also reiterated the averments made in the complaint. Apart from that, he has produced the whatsapp messages also showing the transfer of money, etc. The above said documents also show that money was transferred by Kalvin David to the petitioner's account. But subsequent messages show that those

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documents are fake.

7. Reading of the messages prima facie shows that all the above said transactions that took place between Calvin and this petitioner appears to be fake.

8. Perusal of the records shows that a thorough investigation is required in this matter. The photos showing the identify of the jewels is also filed by the de-facto complainant requires thorough investigation. So, this is not a fittest case to grant anticipatory bail. Only custodial interrogation will bring out the truth.

9. Absolutely, I find no reason to entertain this petition.

10. In the result, this criminal original petition is dismissed.

sd/-
10/08/2023

/ TRUE COPY /

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

ER
TO

1 THE INSPECTOR OF POLICE
CYBER CRIME POLICE STATION,
MADURAI CITY.



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

ORDER
IN
CRL OP(MD) No.13970 of 2023
Date :10/08/2023

PKP/VRS/SAR- /14.09.2023/ 6P/3C

Madurai Bench of Madras High Court is issuing certified
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