



Crl.O.P.(MD)Nos.14084 and 14412 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 21/09/2023

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)Nos.14084 and 14112 of 2023

(1)Crl.OP(MD)No.14084 of 2023:-

1.Siva @ Sivakumar

2.Saritha

: Petitioners/A2 and A3

Vs.

The State rep. by
The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
(Crime No.28 of 2023)

: Respondent/Complainant

For Petitioners

: Mr.K.P.Narayanakumar

For Respondent

: Mr.B.Nambiselvan
Additional Public Prosecutor

For Intervenor

: Mr.P.Mahendran

(2)Crl.OP(MD)No.14412 of 2023:-

Sumitha

: Petitioner/A1

Vs.

The State rep. by
The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
(Crime No.28 of 2023)

: Respondent/Complainant



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

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COMMON PRAYER:- For Anticipatory Bail in Crime No.28 of 2023 on the file of the respondent police.

COMMON ORDER: The Court made the following order:-

The petitioners/A1 to A3 apprehend arrest at the hands of the respondent police for the offences punishable under sections 120(b), 203, 408 and 420 IPC, in Crime No.28 of 2023 on the file of the respondent police, seek anticipatory bail respectively.

2.The case of the prosecution is that A1 was introduced to the de-facto complainant by A3. A2 is the relative through his brother-in-law. His brother-in-law Saravanan died in a road accident. When the de-facto complainant was working in abroad, it was informed that A1 is doing Real Estate business and also informed him that the property worth about Rs.40,00,000/- was coming for sale in Petchiparai Dam area. He has stated that by leasing out the property, he can earn Rs.50,000/- per month. Believing the words of the accused persons, Rs.27,00,000/- was given to A1 through banking transaction and in cash. But instead of registering the house in the name of the de-facto complainant, it was



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registered in the name of A2. Later, he transferred the same to A3. When he demanded money back, he was criminally intimidated. In spite of proper complaint, no action was taken. The de-facto complainant approached this court by filing WP(MD)No.5644 of 2021. In pursuance of the above said direction only, the case was registered on the basis of the complaint filed under section 156(3) Cr.P.C. Upon the direction, the present case was registered as stated above.

3. Seeking anticipatory bail, A1 to A3 are before this court by way of filing these two criminal original petitions.

4. Heard both sides and the CD file was also called for and perused.

5. Even though, the learned counsel appearing for the petitioner in Crl.OP(MD)No.14412 of 2023 namely Sumitha/A1 submitted that she was an employee of the de-facto complainant, the de-facto complainant was working in abroad and also doing money lending business; Only at that time, he requested A1 to join him as an Accountant. But during the course of the above said employment, she was sexually harassed and also threatened. To wreck



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vengeance only, this false case has been registered.

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6. So far as the petitioners/A2 and A3 in Crl.OP(MD)No.14084 of 2023 are concerned, they have stated that even as per the allegations made in the FIR, money has been transferred from the account of A1, for which, these petitioners are no way involved; Even as per the allegation made in the FIR, it is only a civil dispute between the de-facto complainant and A1.

7. Per contra, the learned Additional Public Prosecutor would submit that Rs.27,00,000/- was transferred to the account of A1 through Banking transactions and in cash also. So far, no amount was returned. They also giving promise of arranging the property, but later, registered the property in the name of A1.

8. Perusal of the CD file shows that A1 namely Sumitha has not come to the court with clean hands. She appeared before the respondent and gave statement stating that one Sivakumar was introduced to her during the construction work. She sought help from him for arranging job, in turn the above said Sivakumar gave the mobile phone number of his wife Saritha. Later



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Manoharan, who is the de-facto complainant was introduced. He joined as Accountant under him. Later, trouble arose because of the misbehavior. In the course of the employment only, he sending the salary amount,

9. Similarly Saritha was also appeared and gave a statement that the de-facto complainant came to know due to wrong call. In the course of time, they became friends. She married the de-facto complainant's brother namely Saravanan in 2011. Saravanan died in a road accident. She and her mother-in-law received Rs. 90,00,000/- from the Company. That was given for interest to the de-facto complainant. Only that amount was transferred to his account. When she demanding the money back, trouble has arisen between them.

10. A detailed account has been collected, which shows that Rs.27,00,000/- has been received by the accused persons either in Bank transaction or in cash. The property intended to purchase is standing in the name of A2 brother namely Arul Raj. After receiving money from the de-facto complainant, they registered the property in the name of A1. Later, A2 purchased the property from A1. So, this transactions itself shows that the accused persons real intention is to cheat the de-



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facto complainant. A2 received the total amount of Rs.14,53,000/- through Banking transaction and in cash. Similarly, A1 was also received Rs.12,13,500/- through Banking transactions and in cash from various persons. Totally, Rs.26,66,500/- has been received. So, the contention that the above said amount is a part of the sale amount and interest is not correct on record. The wrong statement given by the petitioners shows their criminal intention.

11.Considering the manner in which, the above said offence said to have been committed, this court is not inclined to grant anticipatory bail to the petitioners.

12.In the result, both the criminal original petition are **dismissed**.

21/09/2023

Index:Yes/No
Internet:Yes/No
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To,

1.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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