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Crl.O.P.(MD)No.14898 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 27/09/2023

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP (MD)No.14898 of 2023

David Dhas : Petitioner/A2

Vs.

The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.105 of 2023)

: Respondent/Complainant

For Petitioner : Mr.S.Jebastin

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER:-For Anticipatory Bail in Crime No.105 of
2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as A2 apprehends arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 IPC, in Crime No.105 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that he booked a Crysta-Z model Toyota Car with A1 with the help of A2 and A3. He transferred Rs.4,50,000/- to the account of A2 and Rs.1,00,000/- in cash. Apart from that, DD amount of Rs.24,50,000/- was also handed over to A2. A2 and A3 later informed that money as well as the demand draft was handed over to the Car Company and promised that Car will be delivered in a short time. But later, he came to know that A1 to A4 conspired together and changed the Demand Draft, purchased a lesser valued vehicle and used the same. They also earned huge profit. Even though in the RTO office, the mobile phone number of A4 was registered. The connected records have not been transferred in his name. A2 and A3 are doing old car selling business. Only on that account, he approached A2 to A4 for purchasing the Car and only at that time, they introduced A1, who in turn told that third party booked the Car and due to loan issue, the 3rd party could not purchase the same and the Car will be sold to him. Only because of the above said assurance only, he handed over the money and the demand draft. On the basis of the complaint, the case in Crime No.105 of 2023 was registered for the offences as stated above.



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3. Seeking anticipatory bail, this petitioner, who is A2 is before this court stating that absolutely, he is not connected with A1 and the de-facto complainant; He introduced A4, who is having business connection; He only handed over the demand draft to A2; By making impersonation, he was required to produce the document before the Sub Registrar office, on 28/04/2023; Without knowing the contents, he signed in the document.

4. During the pendency of the hearing, the petitioner was directed to appear before the respondent police and gave statement with records. He has appeared and gave a statement. Wherein, he has stated that demand demand amount for Rs.24,50,000/- was handed to A3-Shibin Augustin Silvester. He was also present. Later, Rs.5,50,000/- was paid by the de-facto complainant to him and in turn, he handed over the money to A3, who in-turn handed over the money to the Manager of Toyota Car Company. The above said Company was informed to the de-facto complainant and because of the above said delay on the part of A1, by force, the de-facto complainant obtained a mortgage deed over the property standing in his wife's name, on 28/04/2023. Later, development was not known to him.



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5.It is also further stated that except introducing the de-facto complainant, he is not involved in the above said affairs as stated above.

6.But the fact remains that there was a sale agreement between the de-facto complainant's wife and the petitioner herein. According to the petitioner, the above said sale agreement was obtained under force for the money given to him. The above said agreement was entered, on 27/07/2023, much after the filing of the complaint and during the pendency of the investigation. So, this document is standing against the case of the petitioner. If really Rs.5,50,000/-, received by this petitioner was handed over to A3, this document would not have come into existence. Now he is accusing one Miller Mani, who is arrayed as A4. He was granted anticipatory bail. So, it appears that a large scale conspiracy happened in this matter. Steps have been taken by the respondent to cancel the anticipatory bail, because of his non-compliance of the conditional order. Thorough investigation will only brought out the true facts.

7.Considering the manner in which the above said offence said to have been committed by the accused, this court is not inclined to grant anticipatory bail to the petitioner.



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

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

- 1.The Inspector of Police,
Arumanai Police Station,
Kanniyakumari 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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