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Crl.OP(MD)N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 16/03/2023
PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.23073 of 2022

G.ALEX PANDI @ AJITHPANDI

... PETITIONER/ACCUSED NO.4

Vs

State Rep.by
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT
(CRIME NO.3 OF 2022)

... RESPONDENT/COMPLAINANT

RAMESH

... PETITIONER/INTERVENOR
IN CRL.MP(MD).1059/2023
IN CRL.OP(MD).23073/2022

For Petitioner : Mr.S.PRABHU RAJADURAI, Advocate

For Respondent : Mr.B.NAMBISELVAN
Additional Public Prosecutor

For Interviewer : Mr.T.SELVAKUMARAN, Advocate

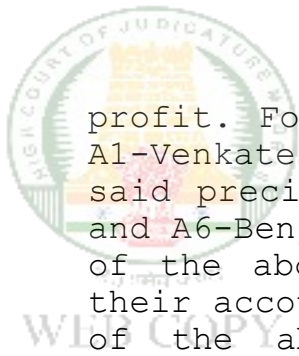
PETITION FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C.

PRAYER:- For Anticipatory Bail in Crime No.3 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A4 apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B) and 420 IPC, in Crime No.3 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that on 25/06/2021, A4-Alex Pandi and A5-Libin Jacco contacted him stating that they wanted to have a business talk with his owner. They were invited for the above said talk. During the above said talk, they informed that they are doing high profit trading business, having precious metal and that must be tested and after, it is found positive, then they can earn huge



profit. For that above process, his owner paid Rs.50 Lakhs. A1-Venkatesh introduced himself as 'Scientist' to test the above said precious metal. A2-Jeganathan stated that he is a Coordinator and A6-Benjamin has stated that he is also a Scientist. On the basis of the above said representation, Rs.22 Lakhs was transferred to their account and balance amount was also paid in cash. On the basis of the above said undertaking, Rs.3.68 Crores of rupees was transferred to the account of Alexpandi, Jeyaprabhu and Libinjacco. After three weeks, they stated that they received the precious metal and that must be tested. Again, they demanded Rs.4.50 Crores. On that account, Rs.4.50 Crores was transferred to the account of Alexpandi and Rs.25 Lakhs to the above said Venkatesh and Rs.4.20 Crores and Rs.23 Lakhs to the account of Jeganathan. So totally, Rs.9.20 Crores was cheated. Based upon the above said complaint, the case was registered.

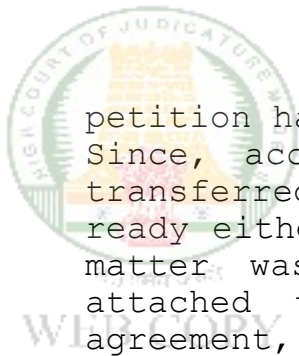
3. Seeking anticipatory bail, the petitioner, who is arrayed as A4 is before this court.

4. Heard both sides.

5. This is the third anticipatory bail application. The first application was dismissed on merits. At the time of hearing, the Investigating Officer was also directed to be present before this court and she has also present and entire CD file was also produced. It was submitted at that time that the petitioner and others used to contact the wealthy people giving false information that they have precious metals, which are capable of creating positive energy. This is not the first occurrence. Similar offence has been reported against the petitioner in the previous occasion also. On that account, his earlier application was dismissed on merits.

6. Second anticipatory bail application was moved by the petitioner. At that time, it was brought to the notice of this court that the co-accused who moved Crl.OP(MD)No.16899 of 2022 granted relief by directing the Judicial Magistrate concerned to consider the bail application, in the light of the order passed by the Sessions Court, Dindigul, against the co-accused.

7. By pointing out this order, the learned counsel appearing for the petitioner requested this court to grant a similar relief. But that petition was dismissed by taking into account the conduct of the co-accused, this petitioner along with the above said Jeyaprabhu filed anticipatory bail petition before this court and that was dismissed after considering the merit. Suppressing the above said dismissal of the anticipatory bail, the above said Jayaprabu moved the above said quash petition. In that petition only, the above said relief was granted. But that request was rejected by this court stating that no permission is required for this petitioner to surrender and seek regular bail, if so advised. But later, this



petition has been filed stating that he is ready to make se. Since, according to the petitioner only Rs.23,00,000/- has been transferred to his account by the de-facto complainant. He is also ready either to deposit or settle that amount. On that account, the matter was referred to the Mediation and Conciliation Centre, attached to this Bench. But in the mediation, there was no agreement, probably, due to difference of opinion with regard to the amount involved. So, the matter was heard on merits. The learned counsel appearing for the petitioner by relying upon the judgment of the Ho'ble Supreme Court in the case of Arnesh Kumar Vs. State of Bihar and another [(2014)8 SCC 273)], would submit that the offences alleged are punishable less than seven years. So he is ready to deposit the above said amount transferred in his account and ready to co-operate with the respondent police to complete the investigation process; No purpose is going to be served by detaining this petitioner in the judicial custody for 5 or 7 days; He is also ready to subject himself to custodial interrogation, if required by the Investigating officer. So according to him, these developments must be taken into account and the anticipatory bail must be granted.

8. But I am unable to agree with this line of argument for the simple reason that the petitioner is engaged repeatedly in approaching this court seeking anticipatory bail. I suppose that he is not going to rest without getting favourable orders from the court. Such sort of attitude cannot be encouraged.

9. A large scale fraud has been committed by the accused. This dis-entitles from claiming the benefit of anticipatory bail. If such sort of benefits are extended to such sort of person, then causality will be the fair investigation process.

10. In the light of the above said development, I am of the considered view that the petitioner is not entitled for the discretionary relief of anticipatory bail and he has to surrender before the concerned court and seek regular bail.

11. In the result, this criminal original petition is **dismissed**.

sd/-
16/03/2023

/ TRUE COPY /

/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



ER
TO

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT.

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

+1. CC to M/S. T.SELVAKUMARAN, Advocate SR.No.4378

ORDER

IN

CRL OP(MD) No.23073 of 2022

Date :16/03/2023

SA/CG/SAR. /31.05.2023/4P/4C