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Crl.O.P.No.2942 of 2024

Crl.O.P.No.2942 of 2024

and

Crl.M.P.No.3428 of 2024

C.V.KARTHIKEYAN, J.

The petitioner who was arrested on 10.01.2024 seeks bail in Crime No.211 of 2021 registered by the respondent police for the offences punishable under Sections 406, 420, 465, 468 r/w 34 and 120(B) of I.P.C.

2. It is the case of the prosecution that there are totally five accused in this case. The petitioner herein is arrayed as A1. Incidentally A2 and A4 are the wife and brother-in-law of the petitioner respectively. A3 is still absconding. The defacto complainant in his complaint stated that the petitioner herein induced him stating that the petitioner is a Director of a company in Indonesia and there are several mines fields available, therefore, if money is invested, huge returns will be obtained. But, the fact remains that there was no such company in Indonesia and the petitioner is not a Director or Chairman and there are no records available to prove that there was a company in Indonesia. However, trusting the words of the petitioner, the defacto complainant had invested Rs.3,48,00,000/-. Utilising that particular amount it is stated that the petitioner had purchased lands in Anna Nagar in the name of his wife/A2. Therefore, without investing any amount, the petitioner had become the owner of the lands at Anna Nagar. It is very significant to note that A3 is still



absconding. It is seen that this petitioner had originally filed Crl.O.P.No.15170 of 2022 seeking to quash the F.I.R. Originally stay had been granted by a learned single Judge. But by a common order dated 10.11.2023 in Crl.O.P.No.15170 of 2022 and in a subsequent Crl.O.P.No.7918 of 2023 which had been filed seeking to expedite the investigation, the learned Single Judge of this Court had dismissed Crl.O.P.No.15170 of 2022.

3. It is thus evident that though arguments are advanced even at this stage that the matter is civil in nature and arbitration proceedings have been initiated, still the allegations in the F.I.R will have to be investigated and then final report have to be filed and thereafter the petitioner will have to face trial. It is also seen questioning that particular order of the learned single Judge dated 10.11.2023 the petitioner had also filed S.L.P.Nos.1809 and 1810 of 2024. Both of them had been dismissed vide order dated 12.02.2024. It was only thereafter had the investigation commenced even though the F.I.R was registered in the year 2021. A status report had been filed by the investigating Officer wherein it had been stated that the investigation is at a crucial stage. Very importantly A3 is still absconding.

4. The learned counsel for the defacto complainant pointed out that the particular statement of accounts produced by the accused from Axis Bank is a fake



one and not the original statement obtained from bank. It is stated that enquiry is on going with respect to the genuinity of the statement from the Axis Bank. In the status report it had been stated that the respondent had sought a copy of the bank statement from the Axis Bank. Further they had independently sought copy of Document No.2107 of 2019 which had been registered in the Sub-Registrar Office. However, the documents relating to the company in Indonesia will have to be obtained. It is thus seen that the investigation is at a nascent stage and one of the accused is still absconding. Investigating will never conclude still the accused is absconding.

5.In view of the above, this Criminal Original petition stands dismissed.

Consequently, the connected miscellaneous petition is closed.

26.02.2024

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