



Crl.O.P.No.17119 of 2024

Crl.O.P.No.17119 of 2024

WEB COPY T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Sections 406 and 420 of IPC, in Crime No.256 of 2018, seeks anticipatory bail.

2. The case of the prosecution, as per the de facto complainant, is that under the guise of making the de facto complainant's wife a partner in the business, A1 and A2/petitioner herein received a sum of Rs. 29,50,000/- and Rs. 18,50,000/- from the de facto complainant. However, she was not made a partner, and the petitioner has not returned the money. Hence, the complaint.

3.The learned counsel for the petitioner submitted that this is the fourth application for anticipatory bail filed by the petitioner. He further submitted that the case was registered in 2018, and the petitioner was earlier granted anticipatory bail in Crl.O.P.No.19693 of 2018 on 21.08.2018 with a condition to deposit a sum of Rs. 10 lakhs to the credit of the crime number.



CrI.O.P.No.17119 of 2024

However, since the petitioner was unable to comply with the condition, the earlier order of anticipatory bail lapsed. Further, he filed CrI.O.P.No.9584 of 2023, which was dismissed by this Court on 24.07.2024. Therefore, he seeks the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent police submitted that the petitioner had earlier approached this Court for anticipatory bail in CrI.O.P.No.19693 of 2018, and this Court, considering the petitioner's volition to deposit a sum of Rs. 10 lakhs, granted anticipatory bail. However, the petitioner absconded and did not comply with the conditions. Subsequently, the petitioner filed CrI.M.P.No.7084 of 2021 seeking modification of the condition, and this Court, considering that the earlier order was passed on his own volition to deposit an amount, dismissed the petition for modification. Thereafter, the second application for anticipatory bail in CrI.O.P.No.5354 of 2023 was filed suppressing the earlier orders passed by this Court, and this Court found suppression and dismissed the anticipatory bail petition on 31.03.2023. The petitioner then



Crl.O.P.No.17119 of 2024

filed Crl.O.P.No.9584 of 2023, which was also dismissed on 24.07.2024.

There is no change in circumstances. He further submitted that since the petitioner had been granted anticipatory bail by this Court with certain conditions, further application for the same relief cannot be entertained. After completing a detailed and elaborate investigation, the charge sheet has been filed before the Assistant Public Prosecutor, XXIII Metropolitan Magistrate Court, Saidapet, Chennai, and is currently pending for approval. Hence, he prayed for the dismissal of the petition.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate and perused the entire materials available on record.

6. Bail was already granted to the petitioner with a direction to deposit a sum of Rs. 10 lakhs. According to the prosecution, she has received a sum of Rs. 29 lakhs, and A1/her husband was arrested and released on bail, but no recovery was made from him. A3 was arrested and released on bail. The de facto complainant was cheated for a sum of Rs. 38 lakhs. The de facto complainant invested money in A1's company during



CrI.O.P.No.17119 of 2024

2017, and she was an employee of the company. She is now married to A1, but this Court already directed a deposit of Rs. 10 lakhs in 2023, which has not been complied with. As of today, the petitioner is not inclined to comply with the earlier order, and no recovery has been made from him. The de facto complainant has been dragged from pillar to post since 2018. Even in 2018, petitions were filed, and the terms of the Court's order have not been complied with. Considering the conduct of the petitioner, if he is released on anticipatory bail, he may abscond and tamper with the evidence. Since the earlier anticipatory bail order was also not complied with, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

8. However the respondent police are directed to secure the accused persons within a period of three weeks from the date of this order in the manner known to the law.

29.07.2024

rri

Page 4 of 5



WEB COPY



CrI.O.P.No.17119 of 2024

T.V.THAMILSELVI, J.

ri

CrI.O.P.No.17119 of 2024

29.07.2024