



Crl.O.P.No.27245 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A2 seeks anticipatory bail in Crime No.470 of 2018 registered by the respondent police for the offences punishable under Sections 420, 120B and 34 of IPC.

2. There are totally four accused. The petitioner herein is arrayed as A2.

3. Learned counsel for the petitioner pointed out that the first information report had been registered in the year 2018 and points out that the respondent are now taking steps to secure the accused in the year 2023.

4. It is the case of the prosecution that this petitioner, had lured the defacto complainant to invest substantial sum of Rs.3,65,00,000/- on the promise of good returns in a partnership firm, in which the petitioner



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had a direct interest. It is the further case of the prosecution that the defacto complainant had in turn, cajoled her father to mortgage the property and had raised a sum of Rs.2,65,00,000/- and handed it over that particular amount to the petitioner herein.

5. It is also the case of the prosecution that the mortgaged property has practically vanished from the clutches of the defacto complainant. The amount paid nearly about Rs.2,65,00,000/- had also disappeared. There is no involvement of the defacto complainant in any business of the petitioner herein. The defacto complainant had thus lost money and house.

5. This Court by an earlier order had directed A1, as a condition to deposit property documents of Rs.4 crores. Questioning that order A1 had taken to adopt before the Hon'ble Supreme Court, and a direction was given to A1 to deposit a sum of Rs.50,00,000/-. The said amount was not deposited, necessitating cancellation of the relief granted. Thereafter, A1 had been taken into custody. Later, he had been released



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on deposit of Rs.70,00,000/- . In so far as this petitioner/A2 is concerned, it is stated that this petitioner had received Rs.2,65,00,000/- .

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6. Learned counsel for the petitioner stated that there are no documents to show to prove the same, and the allegation is a matter for trial.

7. Learned Senior Counsel on behalf of the defacto complainant insisted that the petitioner had cheated the defacto complainant out of her property and also out of her money.

8. Learned Government Advocate (Crl.Side) had pointed out that the property had been mortgaged and since it was an unregistered mortgage, later, power of attorney had been given in favour of an employee of the petitioner and cheques had also been later issued which had been dishonoured. The issuance of the cheques would signify the acceptance of liability by the petitioner.



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9. Taking all these factors into consideration, particularly that though the FIR is of the year 2018 and there has been no progress in the investigation owing to the petitioner not being available for interrogation to determine the *modus operandi*, I am not inclined to grant anticipatory bail to the petitioner.

10. Accordingly, the Criminal Original Petition seeking anticipatory bail stands dismissed.

Vv

13.02.2024



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