



Crl.O.P.No.27667 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner/A1 in Crime No.13 of 2023 registered by the respondent police for the offences punishable under Sections 406 and of 420 of IPC seeks anticipatory bail.

2. The second accused/A2 is the wife of the petitioner herein and her bail petition has been dismissed by this court by an order dated 03.01.2024. Since the prosecution had not filed their final report within a stipulated period of 60 days, the learned Metropolitan Magistrate for CCB cases at Egmore had granted bail under Section 167(2) Cr.P.C vide order dated 28.12.2023 in Crl.MP.No.6031 of 2023.

3. The case of the prosecution as against the two accused and others is that the defacto complainant had become acquainted with this petitioner/A1 through an advertisement which he had put up in a matrimonial site. It is stated that the petitioner herein/A1 had expressed intention to get into an alliance with her, but, later that could not



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materialize and it is further stated that he then offered to get her a government job and consequent to such offer, she resigned the job she was at that time placed in and later had transferred either from her or from her brother, a sum of Rs.32,70,000/- to the bank account of the petitioner. The petitioner did not give her a job, he did not return the money. Under those circumstances that the complaint had been lodged and FIR had been registered.

4. The learned counsel for the petitioner however stated that the brother of the defacto complainant, was involved in partnership business with the second accused and also stated that the said brother had received back the amount. It had been stated that transfer of amounts were only for business purposes and there was never any offer to secure any government job for anybody much less the defacto complainant. The allegations were strictly denied and disputed by the learned counsel.



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5. It is contended that the brother of the defacto complainant was instrumental in collection of money and in transfer of money and all the amounts have been collected only through the said brother and not directly by any one of the two accused persons. Even if the money had been transferred to any of the accounts of the accused, it is contended that it was for business purposes and one of such business was a partnership which had been entered into for starting Mother Theresa Hospital. Stating as above, the innocence and ignorance of the petitioner is stressed by the learned counsel and on that ground indulgence is sought.

6. The learned Government Advocate (Crl.Side) however contested every aspect of those statements and stated that A1 and A2 had promised Government jobs to nearly five victims and all of them had totally had paid a sum of Rs.63,69,000/- to the accused persons. The amounts had not been returned. Neither were jobs promised been secured.



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7. It is also contended that this Court had dismissed the bail petition filed by the second accused in Crl.OP.No.27425 of 2023 by an order dated 03.01.2024 and subsequently since the prosecution was not in a possession to file the final report, the concerned Metropolitan Magistrate had granted bail taking records under Section 167(2) of Cr.P.C.

8. The learned Government Advocate(Crl.Side) had stressed that the interrogation of the present petitioner is very much required, since there is evidence of direct transfer of amount to the accounts either operated directly or indirectly by the petitioner herein. It is therefore stated that the petition should be dismissed.

9. The entire issue started with petitioner answering an advertisement in the matrimonial site which had been put up by the defacto complainant who wanted to give her life as second chance. The petitioner herein, was already married and also had a young child. He answered the said advertisement and it is the contention that the talks



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moved forward, but did not securing an alliance between the petitioner herein and the defacto complainant. Documents have been perused which shows that there has been direct transfer of amounts to the accounts which are said to be under the control of the petitioner herein. In that manner, there has been transfer to an account in the name of Equitas Small Finance Bank (Vinayagam Account). Vinayagam is the petitioner herein. Between 13.04.2020 and 02.11.2020, either to that particular account or to the account in ICICI Bank which is operated by the second accused, the brother of the defacto complainant had transferred total sum of Rs.27,70,000/-. It may be for business purposes, or it may be for the purpose of getting a job in Government , but, that there has been a transfer cannot be denied or disputed. It could have been done either by the defacto complainant by herself or through her brother, but the accused persons have benefited to a sum of about Rs.27,00,000/- from the defacto complainant or her brother directly.

10. It is the contention of the learned Government Advocate (Crl.Side) that the total sum deposited or transferred or paid to the



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accused persons exceeded Rs.63,00,000/- . There are five separate victims. They have all alleged that they were promised to get jobs and on that ground they had given the amounts. These are all issues which can be resolved only when the petitioner is taken into custody and is interrogated. He may have his versions, but, the allegations stated by the defacto complainant necessarily has to be examined and investigated and enquired into by the respondents.

11. In view of that particular facts and since the entire issues surrounds collection of money and non return of money and non performance of the object for which the money was received, it is the petitioner herein who has to explain why actually there was transfer of money to his account. To that extent, offences under Sections 420 and 406 of IPC are made out and require investigation.

12. Accordingly, this Criminal Original Petition is dismissed.

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