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Crl.O.P.No.29567 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.12.2024

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.29567 of 2024

1.Vikesh Kumar

2.Dinesh Kumar

3.Prasanchand

... Petitioners/A1 to A3

Versus

State Rep by

The Inspector of Police,

Avadi City Crime Branch,

Poonamallee, Thiruvallur District.

(Crime No.110 of 2024)

... Respondent

PRAYER : Criminal Original petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.110 of 2024, on the file of the Inspector of Police, Avadi CCB, Thiruvallur District or on their appearance before the Court.

For Petitioners : Mr.S.Anantha Narayanan, Senior Counsel
for Mr.A.Thanasekar

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)



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For Intervenor : Mr.B.Kumar, Senior Counsel
for Mr.Arvind Jayakar

ORDER

This Criminal Original Petition has been filed seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.110 of 2024, on the file of the Inspector of Police, Avadi CCB, Thiruvallur District or on their appearance before the Court.

2.The case of the prosecution as per the de-facto complainant Jayanthilal is that the de-facto complainant is running a gold jewellery business from the year 2020 onwards. The first petitioner got introduced to the de-facto complainant through his brother/second petitioner and father/third petitioner, stating that first petitioner is also engaged in similar gold jewellery business and induced the de-facto complainant to enter into an agreement on 07.10.2024. After entering into an agreement, the first petitioner received plain gold ornaments jewellery weighing 6583.10 grams from their office on the assurance that he would sell the gold jewellery and



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settle the value of the jewellery or return the unsold jewellery to them within a period of 7 days. Later the de-facto complainant came to know that the petitioners had taken the gold jewellery on the false assurance and later melted the gold ornaments and disposed it to third parties and thereby, cheated the de-facto complainant to the tune of Rs.5,00,69,186/-.

3.Mr.S.Anantha Narayanan, learned Senior counsel for the petitioners would submit that a business transaction has been falsely projected as a case of cheating. He would submit that the fact remains that the first petitioner received the gold jewels from the de-facto complainant and handed it over to one Ashish Kumar, Abhishek, Sandhya and Pooja and they have cheated the de-facto complainant. Based on the complaint given by the first petitioner, a case in Crime No.101 of 2024 has been registered by the very same respondent against Ashish Kumar, Abhishek, Sandhya and Pooja.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioners had received gold jewels



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to the tune of Rs.5,00,69,186/- from the de-facto complainant on 07.10.2024.

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On the very same day, with an intention to cheat the de-facto complainant, had given a false complaint against Ashish Kumar, Abhishek, Sandhya and Pooja, as if they have cheated him. Whereas, on preliminary enquiry it was found that petitioners/accused had melted the jewels, which were handed over to them and it was done with an intention to cheat from the inception. He would submit that the investigation is pending and the custodial interrogation of the petitioners are very much required for recovering gold, which have been entrusted to them and he would oppose for grant of bail.

5.Mr.B.Kumar, learned Senior counsel appearing for de-facto complainant/intervenor would submit that the accused with an intention to cheat from the beginning, on the false assurance, have taken gold jewels worth about Rs.5,00,69,186/- from the de-facto complainant. On the date of agreement itself, the accused have melted gold ornaments and sold it to third person and in order to defraud the de-facto complainant and also to divert the



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issue, they have also given a false complaint against some others, namely, Ashish Kumar, Abhishek, Sandhya and Pooja, as if they have been cheated by third parties. He would further submit that the petitioners have also cheated several other persons in the locality.

6.Heard the learned counsel appearing on either side and perused the materials available on record.

7.Taking into consideration the gravity of the offence and the amount involved, this Court is not inclined to grant Anticipatory Bail to the petitioners. Accordingly, the Criminal Original Petition stands dismissed.

06.12.2024

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Index : Yes / No
Internet : Yes/No
Neutral citation : Yes/No
Speaking / Non-speaking order
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A.D.JAGADISH CHANDIRA, J.

rsi

To

- 1.The Inspector of Police,
Avadi City Crime Branch,
Poonamallee, Thiruvallur District.
- 2.The Public Prosecutor,
High Court, Madras.

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