



CRL OP(MD) No.4362 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Twenty Sixth day of March Two Thousand and Twenty Four
PRESENT
The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.4362 of 2024

K.G.MOHANAN @ MOHAN

... Petitioner / Sole Accused

Vs

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI.
(CRIME NO.4/2022)

... 1st Respondent / Complainant

2 BHAGAVATHI RAJA

... 2nd Respondent / Defacto Complainant

For Petitioner : M/s.A.Uthayakumar, Advocate
For Respondent-1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 4/2022 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 120(b) & 420 of I.P.C., in Crime No.4 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the retired Assistant General Manager in SEBI. After his retirement, he decided to purchase the



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estate in Kerala. Therefore, in the year 2019, the defacto complainant approached one Mr. Amal Varghesse and Alan Vargese, who are the owners of the properties located in Kerala. After negotiation, the defacto complainant made an oral agreement with the owners to purchase a property for a sale amount of Rs.2,00,00,000/- and as an advance the defacto complainant made a part payment of Rs.92,00,000/-. The further case of the prosecution is that the defacto complainant, after paying the advance amount, the defacto complainant needed Bank loan for paying the rest of the amount. Later, the defacto complainant through his friend Suresh approached the petitioners and explained about his requirement and the terms were clearly explained to the defacto complainant. On considering the situation of the defacto complainant, the petitioner started to arrange the loan amount. Accordingly, the defacto complainant paid Rs.24,90,000/- to the petitioner's wife for arranging the Bank loan. After receiving the said amount, they neither arranged the loan nor repaid the amount received by the petitioner's wife. Thereby, the petitioners herein had cheated the defacto complainant to the tune of Rs.24,90,000/- hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he did not commit any offences as alleged by the prosecution. Further, the petitioner never received any amount from the defacto complainant. The



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petitioner's wife received the professional fees from the defacto complainant for arranging of bank loan and thereafter, she failed to arrange the loan. Hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that investigation is pending. An earlier application for anticipatory bail filed by the petitioner in Crl.O.P(MD) No.1823 of 2023 was dismissed, vide order dated 07.03.2023 and without any change of circumstances, the present petition has been filed. The petitioner along with his wife cheated the defacto complainant to the tune of Rs.24,90,000/-. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

5. It is seen that the victims have paid huge amounts to the petitioner and his wife to avail loan. Further after receipt of the some amount from the victims, the accused persons availed loan from the respective Banks and failed to disburse the same to the applicants. Both the accused, thereby swindled the amount of the victims and cheated them to the tune of Rs.1,47,57,000/-. There are nine victims in this case and the custodial interrogation of the petitioner is very much required in this case. Further the petitioner, in order to escape from the clutches of law, he lodged a complaint as against his own wife namely the first accused in this case and received CSR No.24/2022 as if there was family dispute between them, therefore,



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this Court is not inclined to grant anticipatory bail to the petitioners.

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6. Hence, this Criminal Original Petition stands dismissed.

sd/-
26/03/2024

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/05/2024

Sub-Assistant Registrar(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1.THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, THENI.

2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.4362 of 2024
Date :26/03/2024

RS/GS/SAR- (06/05/2024) 4P / 3C
Madurai Bench of Madras High Court is issuing
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