



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.8046 of 2024

1.Solomon William Jebaraj
2.Leela

... Petitioners/ Accused No.1 &2

Vs

The State Rep. by its
The Inspector of Police,
City Crime Branch,
Tirunelveli City.
Crime No.8 of 2024

... Respondent/Complainant

Mohammad Abubakkar

... Intervening Petitioner / Defacto Complainant
in CRL MP(MD)No.5848 of 2024

For Petitioners : Mr.A.Sivasubramanian
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mr.N.Mohideen Basah, Advocate.

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2024 on the file of the Respondent Police.



ORDER : The Court made the following order :-

WEB COPY

The petitioners/ A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of BNS, in Crime No.8 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has parted a sum of Rs.65 lakhs to the petitioners for business transaction. Since the said amount has not been repaid, the present complaint has been registered against the petitioners.

3.Heard. Perused the materials available on record including the First Information Report.

4.The learned counsel for the petitioners submitted that the petitioners, after receiving the money, as a matter of fact, had procured and the boards are also ready, the same could not be supplied only because the orders were fake. With reference to the fake orders, the petitioners themselves have given a complaint as against the third party accused. Even in the present case, the mischief is done only by the said third party accused, who produced the fake orders.

5.The learned counsel for the defacto complainant submits that as far as he is concerned, he is only a hotelier and all the said persons only together represented that the boards have to be supplied to the school and lured him to part with a sum of Rs.65,00,000/- and the payment is made through RTGS basis.



6.The learned Additional Public Prosecutor would submit that in this case, the petitioners herein along with the other accused, wanted to share the profit and therefore, had generated the fake orders as if the corporation schools in Tirunelveli are in requirement of the said smart boards and based on the said purpose and by holding out the same to the defacto complainant made him part away with the sum of Rs.65,00,000/-.

7.It can be seen at the outset, when the defacto complainant was approached and he was made to part away with the money, there was no tender at all and therefore, the intention to cheat from the beginning was there.

8.In that view of the matter, when a huge sum of Rs.65,00,000/- has been taken away from the defacto complainant, this is not a fit case for grant of anticipatory bail to the petitioners.

9.Accordingly, this petition is dismissed. Even the said persons, who are said to have colluded with the present petitioners and have generated the fake orders etc., would also be the accused in the present case and it is for the investigating officer to duly investigate the offences.

8.Considering the overall facts and circumstances of the case, this is not a fit case for grant of anticipatory bail to the petitioners.



9. Accordingly, this Criminal Original Petition is dismissed.

sd/-
13/08/2024

/ TRUE COPY /

/08/2024

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

SJI

TO

1 THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TIRUNELVELI CITY

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

ORDER

IN

CRL OP(MD) No.8046 of 2024

Date :13/08/2024

MK/MGA/23.08.2024 4P 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023