



CRL OP(MD) No.21207 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21207 of 2023

SELVARAJ ... PETITIONER/ ACCUSED RANK NO.NOT KNOWN

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DISTRICT.
(CRIME NO.14 OF 2023)

... RESPONDENT/COMPLAINANT

K.VIGNESH ... PETITIONER/INTERVENER
IN CRL MP(MD).16963/2023 IN CRL OP(MD).21207/2023

For Petitioner : M/S.M.U.MOHAMED ASLAM, Advocate
For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor
For Intervener : MR.R.SHANKAR GANESH, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.14 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for
the alleged offence under Sections 417, 420 and 120(b) of IPC, in Crime No.14 of 2023,
seek anticipatory bail.



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2. The case of the prosecution is that the defacto complainant is doing real estate business and he gave an advertisement on Facebook regarding his business. After that, the petitioner approached the defacto complainant stating that he will arrange the loan for Rs.20,00,000/-. Believing his words, the defacto complainant had pledged his house for Rs.17,00,000/- along with Rs.3,00,000/- reserve funds. Thereafter on 29.01.2023, the first accused called the defacto complainant and informed him to come to Collector Office, Theni, on 30.01.2023 at 6.00 p.m. On 30.01.2023, the defacto complainant went to the Collector Office, Theni, and given Rs.20,00,000/- to one Elango, who is the second accused to get the documents. Thereafter, all the accused persons A2 to A4 went inside the Collector Office to get the documents, but thereafter, they did not turn up. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offences as alleged by the prosecution. As per the First Information Report and the statement of the defacto complainant, one Sathyaseelan received the amount from the defacto complainant, but the petitioner name is Selvaraj. All the revenue records revealed that the petitioner's name is only Selvaraj not Sathyaseelan. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the intervenor would submit that the petitioner himself introduced as Sathyaseelan with the defacto complainant and he only



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promised to arrange loan. Only on his instruction, the defacto complainant given Rs.20,00,000/- to the second accused. But however, the said amount was not returned to the defacto complainant. Subsequent to this incident, the petitioner created the revenue documents as his name is Selvaraj. He would further submit that it is the matter of investigation. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the State would submit that investigation is at preliminary stage.

6. Considering the facts and circumstances of the case, also considering the allegations levelled against the petitioner and the amount involved in this case is not returned to the defacto complainant, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-

04/01/2024

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

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TO சென்ட்ரல்

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

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

+1 CC to M/s.RAJARISHI.R, Advocate (SR-220[I] dated 05/01/2024)

ORDER

IN

CRL OP(MD) No.21207 of 2023

Date :04/01/2024

RS/JGB/SAR-(29.01.2024) 4P 4C

Madurai Bench of Madras High Court is issuing
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