



Crl.O.P.(MD)No.21553 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.21553 of 2023

Shanthi

... Petitioner/De-facto complainant

Vs.

1. The Inspector of Police,
CCD-III Police Station,
Madurai.

... Respondent/Complainant

2.G.S.R.Sundaramoorthy

... 2nd Respondent/ A6

Prayer : Petition filed under Section 439(2) of Code of Criminal Procedure to cancel the anticipatory bail granted by the learned Principal District and Sessions Judge, Madurai, in Crl.MP.No.5954 of 2023 dated 20.10.2023, and direct the first respondent police to arrest the second respondent/accused.

For Petitioner : Mr.T.Senthilkumar, Advocate

For R1 : Mr. P.Kottaichamy
Government Advocate (Crl. Side)

(*) For R2 : Mr.S.Ayyanar Premkumar, Advocate

ORDER

This petitioner has been filed to cancel the anticipatory bail granted to the second respondent by the learned Principal District and Sessions Judge, Madurai, in Crl.MP.No.5954 of 2023 dated 20.10.2023, and direct the first respondent police to arrest the second respondent/accused.



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2. The case of the prosecution is that the petitioner is arrayed as A6. The defacto complainant and A2 are friends. A2 is working as Secretary in one VDMS Trust, Karaikudi. A2 and the defacto complainant become friends. A2 used the defacto complainant to render financial assistance frequently. A1 was introduced to the defacto complainant through A2. A2 informed the defacto complainant that A1 is affected by cancer. One Dr.Kelvin/A3 and Dr.Niranjana/A4, who were working as Doctors in London wanted to help her. So, they sent a parcel containing gold bar worth about Rs.3 Crores. A2 approached the defacto complainant and asked her to extend help for claiming the above said parcel. A1 also informed the defacto complainant about the parcel and messages. A5, who is the husband of A1, made a phone call to the defacto complainant and narrated the story of foreign fund. Further, A1 informed the defacto complainant that the said consignment is in custody of her brother/petitioner(A6), who is working in Customs and Central Excise Department and he will look after the customs problem. Believing the same, the defacto complainant has handed over 358 sovereign jewels and Rs.1,47,07,000/- to the accused persons on various dates to the various accounts as requested by the accused. All the accused persons received the amount and mortgaged the jewels in their name and shared the amount. After receiving the amount, all the accused persons executed an agreement that they will return the above amount and jewels



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within 3 months. But, they failed to return the same. Hence, the petitioner/de-facto complainant made a complaint before the law enforcing agency. Based on that complaint, the respondent police registered a case against the second respondent and other accused persons and the second respondent was released on bail by the trial court. Challenging the same, the present petition is filed.

3. The learned counsel for the petitioner would submit that the petitioner/A6 contacted the petitioner through phone and stated that he is working in Customs and Central Excise Department and he will look after all the customs problem in receiving the consignment and demanded amount from her. On believing his words, the petitioner handed over the amount of Rs.1,47,07,000/- and 358 sovereign of gold jewels to the accused persons. The above said fact was not properly adjudicated by the Court below and the Court below mechanically granted anticipatory bail to the petitioner. Hence, this petition.

4.The learned Government Advocate (Crl.Side) submitted that there is no money transaction between the petitioner and the second respondent. The entire amount was paid only to Jeyabharathi/A2 and the investigation is still pending.



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5. Considering the facts and circumstances of the case and also considering the fact that there is no allegation against the second respondent with regard to the money transfer and the entire amount was paid to one Jeyabharathi/A2 not the second respondent/A6. There is no violation of conditions imposed by the Court below. In the absence of supervening circumstances, this Court is not inclined to cancel the anticipatory bail granted to the second respondent.

6. Accordingly, this Criminal Miscellaneous Petition is dismissed with liberty to the petitioner to work out his remedy in the manner known to law.

(**) deleted paragraph No.7

sd/-
06/02/2024

(*)(**) CORRECTED AS PER ORDER OF
THIS COURT DATED 27.02.2024 IN CRL
OP(MD)NO.21553 OF 2023

/ TRUE COPY /

/03/2024

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

dss



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TO BE SUBSTITUTED WITH THE ORDER DATED 06/02/2024 ALREADY DESPATCHED

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, MADURAI.
- 2 THE INSPECTOR OF POLICE
CCD-III POLICE STATION,
MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-1458[I] dated 06/02/2024)

ORDER
IN
CRL OP(MD) No.21553 of 2023
Date :06/02/2024

RK/VR (12/02/2024) 5P / 5C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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