



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

Wednesday, the Fifth day of August Two Thousand Fifteen

PRESENT

THE HON'BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.14232 of 2015

P.LAKSHMANAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
CENTRAL POLICE STATION, TUTICORIN.
CRIME NO.332/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MEENKASHI SUNDARAM Advocate

For Respondent : M/S.S.PRABHA Govt. Advocate (Crl.Side)

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

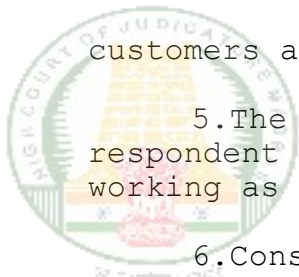
ORDER : The Court Made the following order :-

The petitioner, who is a sole accused apprehends arrest at the hands of the respondent police for the alleged offence punishable under section 420 of IPC, in Crime No.332 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant Joseph Irudhayaraj, he was working as Branch Manager in M/s.Globelink WW India (P) Limited and the accused was working as Sales representative in the company and he canvassed for orders from various small logistic companies for shipment of consignments and M/s.A.M. Logistics and M/s.Amar Global Logistics canvassed by the accused placed consignment orders to the tune of Rs.26,25,525/- and paid Rs.6,51,000/- and when the de-facto complainant enquired them, they have stated that they are liable to pay Rs.11,96,162/- only and when the same was enquired with the accused, he has not given proper answer.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that the cheque bearing No.956391, dated 13.05.2015 drawn in favour of the de-facto complainant for Rs.19,74,525/- by A.M. Logistics and Amar Gobal Logistics was returned by the banker on the ground of signature mismatch and thereafter, instead of recovering the balance amount from the companies, a false complaint was given implicating the petitioner in this case.

<https://hcservices.courts.gov.in/hcservices/> further submitted that the entire transaction is between the de-facto complainant and its customers only through cheques and therefore, the allegation that the petitioner collected money from its



customers and did not pay the same cannot be accepted.

5.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the petitioner has no bad antecedent and he was working as an agent of the de-facto complainant.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.2, Tuticorin and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
05/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE,NO.2, TUTICORIN.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN

3.THE INSPECTOR OF POLICECENTRAL POLICE STATION, TUTICORIN.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.S.MEENKASHI SUNDARAM Advocate SR.No.44292

ORDER
IN
CRL OP(MD) No.14232 of 2015
Date :05/08/2015

GJM/KBM/SA4-II-10.08.2015
2P/6C