BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Second day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.16694 of 2015

PURUSTHOTHAM RADHEYSHYAM AGARWAL ..PETITIONER/2ND ACCUSED

M/S.LOYAL TEXTILE MILLS LTD.,
21/4, MILL STREET, KOVILPATTI 628 501.
REP.BY ITS AUTHORISED SIGNATORY
MR.S.SARAVANAN ..INTERVENOR

Vs.

STATE REP.BY THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT,
THOOTHUKUDI.
CR NO 3/2012 ..RESPONDENT/COMPLAINANT

For Petitioner : M/S P.SANTHANAKRISHNAN Advocate
For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl.Side)
For Intervenor : Mr.M.E.ILANGO, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of I.P.C. in Crime No.3 of 2012 on the file of the respondent police and hence, seeks anticipatory bail.

2. According to the de-facto complainant, the Assistant General Manager (Marketing) of Loyal Textiles Mills Limited, the petitioners and others placed order for grey fabrics in the de-facto complainant's Company and they assured that after retiring the bill from the Bank, by issuing cheques to the Bank only the delivery of goods would be taken from the transporters, by submitting original lorry receipt to them, but the petitioner has taken delivery of goods valid Rs.1,51,49,553/- from the transporters without making any payment to the de-facto complainant. Hence, the de-facto complainant gave a complaint on 14.12.2011 to the Superintendent of Police, Tuticorin District. The District Crime Branch registered the F.I.R. against the petitioner and six others in Crime No.3 of 2012 for the offence under Section 420 of I.P.C.

3. The learned counsel for the intervenor submitted that pending investigation, the petitioner has remitted a sum of Rs.36,68,207/- up to April 2012 and for the balance amount, the petitioner has issued 8 cheques and all the cheques were returned. Hence, the de-facto complainant filed a complaint before the learned Judicial Magistrate No.I, Kovilpatti against the petitioner for the offence under Section 138 of the Negotiable Instruments Act and the same was pending in STC.Nos.710, 711, 712 and 1029 of 2015.

4. The learned counsel for the petitioner submitted that the occurrence took place between 03.03.2009 to 18.07.2009, but the complaint was given only on 23.01.2012. The learned counsel for the petitioner further submitted that the de-facto complainant Company has initiated a false complaint against the petitioner's company under Section 138 of the Negotiable Instruments Act

5. The learned Government Advocate (Crl.side) submitted that the investigation is pending and on 09.10.2015, directed the de-facto complainant to produce the documents to file a final report.

6. Considering the gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this Criminal Original Petition is dismissed.

sd/-
02/11/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

2 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, THOOTHUKUDI DISTRICT. THOOTHUKUDI.

+1cc to MR.P.SANTHANAKRISHNAN, Advocate Sr.No.64371
+1. CC to M/S M.E.Ilango, Advocate SR.No.64348

ORDER IN
CRL OP(MD) No.16694 of 2015
Date :02/11/2015

PBK/AAL-MPA/SAR-II 06/11/2015 ::2P-5C::