



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

Wednesday, the Eleventh day of February Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.17392 of 2014

P.R.S. SRINIVASAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CR. NO. 390 OF 2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. G. THALAIMUTHARASU Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.390 of 2014 on the file of the respondent police for offence under Section 420 of I.P.C. the petitioner is now before this Court seeking Anticipatory Bail.

2. Initially the matter was referred to the Mediation Centre and a failure report has been received and on 05.02.2015, this Court passed the following order:

"Earlier, the matter was referred to the Mediation and Conciliation Centre, attached to this Bench. Failure report dated 20.01.2015 has been received from the Mediation Centre.

2. Heard the learned counsel for the petitioner, learned counsel for the intervenor and the learned Additional Public Prosecutor for the State.

3. It is the case of the prosecution that the petitioner placed orders before the defacto complainant for the supply of polythene bags to the tune of Rs.6,71,000/- on 27.01.2014. On the orders placed by the petitioner, the defacto complainant manufactured the same and supplied it to the petitioner. After taking delivery, the petitioner has failed to make payment towards the price of the goods.

4. The defacto complainant also stated that the petitioner had given cheque for Rs.2,00,000/- and the same was dishonoured by the bank.

5. The learned counsel for the petitioner would submit that the petitioner had placed orders for manufacturing particular quality of polythene bags, whereas the defacto complainant had manufactured inferior quality of polythene bags. On account of it, there was a genuine dispute between them.



6. Be that as it may, admittedly the petitioner had given cheque for Rs.2,00,000/-, which has been dishonoured. If atleast a sum of Rs.2,00,000/- is paid to the defacto complainant, then this Court could consider granting of anticipatory bail to the petitioner.

7. The learned counsel for the petitioner seeks time.
Post 'for orders' on 11.02.2015."

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3. The learned counsel for the petitioner would submit that the petitioner is willing only to deposit the amount before the Magistrate Court and that the amount should not be paid to the de-facto complainant.

4. On a reading of the complaint, it appears that the petitioner has taken delivery of the polythene goods valued at Rs.6.71 lakhs and only in discharge of that, he seems to have given a cheque for Rs.2 lakhs which has been dishonoured.

5. Under such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

sd/-
11/02/2015

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

TO

1. THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

SR : 16.02.2015 : 2P/3C

ORDER
IN
CRL OP(MD) No.17392 of 2014
Date :11/02/2015