



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

Wednesday, the Eighteenth day of March Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.9017 of 2014

WEB COPY

1 RAVICHANDRAN,

2 VASUGI RAVICHANDRAN,

... PETITIONERS / ACCUSED NO.1&2

Vs

THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, TUTICORIN,
TUTICORIN DISTRICT.
(CRIME NO. 329/2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.VEERA KATHIRAVAN Advocate

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

For Intervenor : MR.T.LAJAPATHIROY Advocate

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

ORDER : The Court Made the following order :-

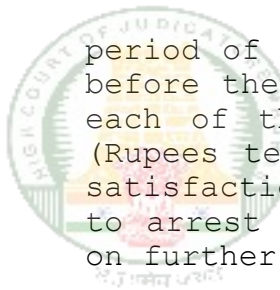
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 506(i) IPC in Crime No.329 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State.

3. This case has been registered pursuant to the direction issued by this Court in Crl.O.P.(MD) No.3280 of 2011. The case of the defacto complainant is that they are into the business of supply of iron scraps. In the course of business, they had supplied iron scraps to Surya Balaji Steels Ltd., totally to the tune of Rs.72,97,192/- under 21 invoices to the petitioners' company between 01.04.2013 and 10.06.2013. In the complaint, the defacto complainant has stated that the petitioners have repaid Rs.24,20,112/- and that they have to pay the balance amount of Rs.48,77,080/-. In this regard, the complaint states that the petitioners gave a cheque for Rs.5,00,000/- that was dishonored.

4. Learned counsel for the petitioners submits that the petitioners have received a statutory notice under Section 138 of the Negotiable Instruments Act in response to which they paid a sum of Rs.5,00,000/- by RTGS to the defacto complainant. However, this fact is strongly repudiated by the learned counsel for the defacto complainant stating that the sum of Rs.5,00,000/- was not paid towards the dishonored cheque, but for some other transaction.

5. Be that as it may, on reading of the complaint, it appears that goods were supplied under proper invoices between 01.04.2013 and 10.06.2013 and that even according to the defacto complainant, the petitioners have paid a part of the amount. Under such circumstances, the view that this is a fit case to grant anticipatory bail to this petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a



period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tuticorin, on condition that each of the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10:30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

[b] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

6. It is made clear that whatever observed shall not in any way prejudice the case of either parties and is limited for disposal of this petition only.

sd/-
18/03/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
TUTICORIN
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, TUTICORIN, TUTICORIN DISTRICT.
- 4 THE DEPUTY SUPERINTENDENT
OF POLICE DISTRICT CRIME BRANCH TUTICORIN DISTRICT
- 5 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to Veera Kathiravan, Advocate in SR.No.12996

Sm:23.03.2015:2P/7C:

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER
IN
CRL OP(MD) No.9017 of 2014
Date :18/03/2015