



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

Tuesday, the Twenty Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14660 of 2016

F.SELSAS

... PETITIONER/SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT
(CRIME NO.12 OF 2016)

... RESPONDENT/ COMPLAINANT

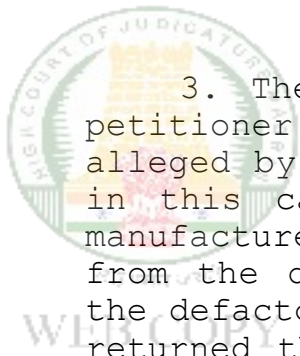
For Petitioner : M/S.K.SEEMARAJ Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who arrayed as accused apprehends arrest at the hands of the respondent police for an alleged offence punishable under Section 420 of IPC, in Crime No.12 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant supplied yarn to the tune of Rs.33,12,367/- to the petitioner. The petitioner paid a sum of Rs.15,31,756/- and the balance amount of Rs.17,80,611/- is not paid and and cheated the defacto complainant. The defacto complainant sent complaint to the Superintendent of Police, Kanyakumari, on 17.08.2015 and the said complaint was forwarded to the District Crime Branch and at the time of enquiry, the petitioner admitted that he has not paid the amount of Rs.17,80,611/- and submitted that the defacto complainant supplied inferior quality yarn to the petitioner and therefore, the petitioner could not sell fishing net to the tune of Rs.2,00,000/- and admitted to return the inferior quality and gave a cheque for Rs.15,00,000/-. On presentation the said cheque was dis honoured and the petitioner did not return the alleged inferior quality. On complaint, case has been registered for the above said offences.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is the manufacturer of the fishing net and he has purchased raw materials from the defacto complainant and the raw materials purchased from the defacto complainant was inferior quality, due to that petitioner returned the same. The transaction between the petitioner and the defacto complainant is only business transaction and civil in nature and prays for anticipatory bail in favour of the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the defacto complainant supplied yarn to the petitioner. The petitioner did not pay the amounts and cheated defacto complainant stating that he supplied inferior quality. Subsequently, the petitioner agreed to return the inferior quality of yarn and agreed to pay a sum of Rs.15,00,000/- to the defacto complainant and issued a cheque to the defacto complainant and the same was dis-honoured and thereafter, he did not pay the amount and cheated the petitioner. On complaint case has been registered and the investigation is pending.

5. Considering the serious nature of allegations levelled against the petitioner, the custodial interrogation of the petitioner is necessary and hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-

23/08/2016

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

TO

1. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT

2. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.K.SEEMARAJ Advocate SR.No.46602
RL/4C/2P/DB/SARI/20/9/2016

ORDER

IN

CRL OP (MD) No.14660 of 2016

Date : 23/08/2016