



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

Monday, the Twenty Fourth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.16870 of 2016

N.ABDUL KHADAR

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TRICHY DISTRICT,
CRIME NO NOT KNOWN OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.SIVABALAN Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate (Crl.side)

For Intervenor : No appearance

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

ORDER : The Court Made the following order :-

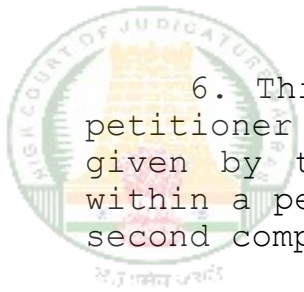
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B) and 420 of I.P.C., in Crime No.26 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent police.

3. It is seen that on 15.09.2016, this Court had granted interim anticipatory bail to the petitioner.

4. According to the petitioner, he is the victim of circumstances and unnecessarily case has been foisted against him. However, intervenor has filed a petition stating that the petitioner herein has created a fake Company in the name and style of 'V.G.P. Suppliers' and defrauded him and the petitioner has agreed to pay the amount. The earlier complaint dated 24.07.2016 was closed as the petitioner herein has paid a sum of Rs.52 lakhs and agreed to pay the remaining amount of Rs.14 lakhs within a period of three months.

5. The contention of the petitioner is that blank cheques have been obtained from him and the de-facto complainant is demanding RS.28 lakhs and having closed the earlier complaint, the second complaint is not mandatory.



6. This Court is not inclined to accept the contention of the petitioner as the earlier complaint was closed on the undertaking given by the petitioner that he would pay a sum of Rs.14 lakhs within a period of three months, which has not been paid. Hence, the second complaint has been filed.

7. When this Court is not inclined to extend the interim order granted by this Court, the learned counsel for the petitioner submitted that he would advise the petitioner to pay the amount of Rs.14 lakhs within a period of three months. However, as he has paid Rs.52 lakhs, the amount of Rs.14 lakhs to be deposited within a period of three weeks which may be deposited in Crime No.26 of 2016 and it shall be kept in fixed deposit till the issue comes to an end. Accepting the contention of the learned counsel for the petitioner, the petitioner is permitted to deposit a sum of Rs.14 lakhs in Crime No.26 of 2016 and the Jurisdictional Court shall deposit the said amount in a Nationalized Bank and keep it in a fixed deposit for a period of one year, renewable periodically, till the issue comes to an end.

8. Considering the submissions made by the learned counsel for the petitioner, the interim anticipatory bail already granted by this Court is made absolute with a condition that the petitioner shall report before the respondent police as and when required for interrogation.

sd/-
24/10/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE, CITY CRIME BRANCH,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.SIVABALAN Advocate SR.No.63020
+1. CC to M/S.V.NAGENTHIRAN, Advocate SR.No.63319

ORDER
IN
CRL OP(MD) No.16870 of 2016
Date :24/10/2016

AKV