



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

Friday, the Ninth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2039 of 2018

N.RAVIKUMARAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SUSINDRUM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.58 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.RAMASAMY for M/S.K.KULANTHAI VIKRAM Advocate

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

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

ORDER : The Court Made the following order :-

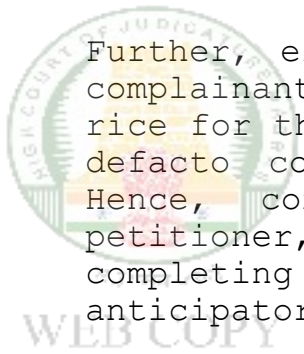
The petitioner, who is arrayed as sole accused, apprehending arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC, in Crime No.58 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has supplied a Rice for a sum of Rs.8,48,260/- to the petitioner. But, the petitioner failed to pay the said amount as promised by him, after receiving the rice. Hence, the defacto complainant has lodged a complaint as against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and did not commit any offence as alleged by the prosecution. He further submitted that according to the petitioner out of 10 lorries of Rice, two lorries having to sub standard rice.

4.The learned Government Advocate (Criminal Side) would submit that the the investigation is not yet completed.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged during the time of occurrence, as per the request made by the petitioner, the defacto complainant supplied the Rice in 10 lorries. According to the petitioner, the Rice found in two lorries are found substandard.



Further, either side admitted that the petitioner and the defacto complainant are having business relationship, by way of purchasing rice for the past several years. So, the allegation levelled by the defacto complainant comes within the purview of civil dispute. Hence, considering the nature of offence committed by the petitioner, custodial interrogation may not be necessary for completing investigation. Therefore, this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Nagercoil, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent police, daily at 10.00 a.m. until further orders;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

sd/-
09/02/2018

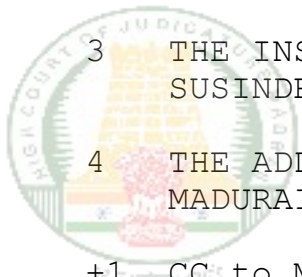
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.

<https://hcservices.courts.gov.in/hcservices>
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



3 THE INSPECTOR OF POLICE,
SUSINDRUM POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.K.KULANTHAI VICKRAM Advocate SR.No.2267

WEB COPY

ORDER

IN

CRL OP(MD) No.2039 of 2018

Date :09/02/2018

MKV-CM-VR-SAR 4/12.2.2018/3P-6C