



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

Monday, the Twenty Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4458 of 2018

U.ABUBAKKAR SIDDIQ RAJA

... PETITIONER/ACCUSED No.3

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.
(CRIME NO.6 OF 2018)

... RESPONDENT/COMPLAINANT

P.SIVASAMI

... PETITIONRE/INTERVENOR/DEFACTO COMPLAINANT

For Petitioner : M/S.B.CHANDRAMOHAN, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

For Intervenor : M/S.D.NALLATHAMBI, Advocate.

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 120(b), 406, 420, 465 and 468 IPC., in Crime No.6 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Government contractor and the petitioner is the supplier of Bricks, Cravel and Emsand to the defacto complainant. For the purpose of constructing two Government buildings at Kodangipatti and Valayapatti, Theni District, the defacto complainant used to purchase the Cravel, Emsand and bricks from the petitioner from the month of February 2017 onwards. Thereafter, at the time of auditing, in the month of February, 2018, the defacto complainant found that the employees of the defacto complainant were manipulated and stolen the cement bags and other constructing materials. He also found that 3 trip sheets were forged and totally, a sum of RS.35,43,000/- was cheated by the petitioner. Hence, the case has been registered against for the above said incident.



3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor submitted that the petitioner in connivance with the other accused manipulated trip sheets by giving forged registration number of two wheelers and raised bill amount even without supply of raw materials. When the intervenor/defacto complainant came to know about the forgery of Rs.35,43,000/- at the time of auditing, he lodged the present complaint. He further submitted that the amount is not yet recovered so far and hence, he prays for dismissal of this petition.

5. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the cheated amount is not yet recovered. According to the prosecution, the investigation is not completed.

6. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and other two accused made conspiracy and altered the trip sheet and thereafter, they received a sum of Rs.35,43,000/-. Thereby, the petitioner and other accused cheated the defacto complainant. As of now, the said cheated amount is not recovered. The other two accused are also not secured. Accordingly, in order to recover the cheated amount, custodial interrogation is necessary. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
26/03/2018

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, THENI DISTRICT.

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

+1. CC to M/S.D.NALLATHAMBI, Advocate SR.No.58022

ORDER
IN
CRL OP(MD) No.4458 of 2018
Date :26/03/2018