



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.10463 of 2017

SUBASH CHAND

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT
CRIME NO.5 OF 2017

... RESPONDENT / COMPLAINANT

MUTHUKUMAR

... INTERVENE PETITIONER/DEFACTO COMPLAINANT

For Petitioner : Mr.N.ANANTHAPADMANABAN Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

For Intervenor : Mr.P.T.THIRAVIAM, Advocate

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

ORDER : The Court Made the following order :-

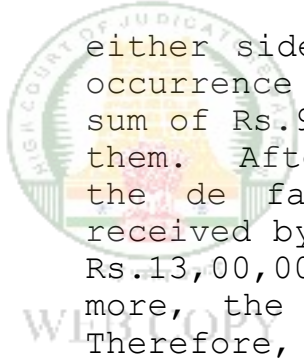
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 406, 420 IPC in Crime No.5 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is running Honey business and was received advance amount from the de facto complainant for supplying honey. But the petitioner has not supply honey to the de facto complainant. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that a sum of Rs.13,00,000/- is yet to be recovered from the accused. According to him investigation is still pending.

5.The submissions made by the learned counsels appearing on



either side are considered. It is alleged that during the time of occurrence the de facto complainant, through bank transaction paid a sum of Rs.96,66,000/- to the accused in order to purchase honey from them. After the above said transaction, the accused sent reply to the de facto complainant that only portion of the amount was received by them. As of now, according to the prosecution, a sum of Rs.13,00,000/- is yet to be recovered from the accused. Furthermore, the transaction was completed by way of bank transaction. Therefore, extensive investigation is necessary for completing the investigation. Thereby, custodial interrogation is very much necessary for completing the investigation.

6. Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed.

sd/-
22/02/2018

/ 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,
VIRUDHUNAGAR DISTRICT .
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to Mr.N.ANANTHAPADMANABAN, Advocate SR.No.3028

gns
JAM/13/03/2018/ CM-VR / SAR 4/ 2p-4c

ORDER
IN
CRL OP(MD) No.10463 of 2017
Date :22/02/2018