



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.11127 of 2017

VISAHAL CHAUDHARY

... PETITIONER / ACCUSED

Vs

STATE THROUGH THE INSPECTOR OF POLICE
DCB, VIRUDHUNAGAR,
CRIME NO.05/2017

... RESPONDENT / COMPLAINANT

MUTHUKUMAR

... INTERVENE PETITIONER / DEFACTO COMPLAINANT

For Petitioner : Mr.N.ANANTHAPADMANABHAN, Advocate

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

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

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

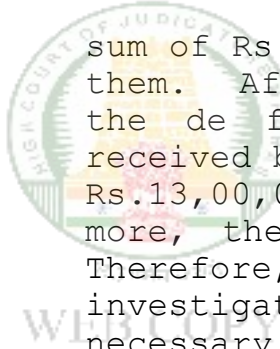
The petitioner, who was arrested on 11.07.2017 for the offence punishable under Sections 406, 420 IPC in Crime No.05 of 2017 on the file of the respondent Police, seeks bail.

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 would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 11.07.2017 onwards.

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.

6.Considering the above facts and circumstances of the case, the earlier interim bail granted on 31.08.2017 was cancelled. 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 JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
DCB, VIRUDHUNAGAR,
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to Mr.P.T.THIRAVIAM, Advocate SR.No.2906

GNS
JAM/13/03/2018/ CM-VR / SAR 4/ 2P-7C

ORDER
IN
CRL OP(MD) No.11127 of 2017
Date :22/02/2018