



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

Friday, the Twenty First day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21559 of 2018

M. VIJAYAKUMAR

... PETITIONER / 9th ACCUSED

Vs

1 THE STATE OF GUJARAT
THE INSPECTOR OF POLICE,
KESHOD POLICE STATION,
JUNAGADH DISTRICT.
GUJARAT-362220.
(IN CRIME NO. 1/152/2018)

2 THE STATE OF TAMIL NADU
THROUGH THE SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR DISTRICT.
VIRUDHUNAGAR-626 001.

... RESPONDENTS

For Petitioner : MR.V.ANAND Advocate

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

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 offences punishable under Sections 406, 420 and 114 of IPC in Crime No.1/152 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the de facto complainant has lodged a complaint alleging that in a business transaction, the petitioner has cheated him.

3.It is submitted that the petitioner is having business relationship with one Hiteshbhai, who is the proprietor of Kanak Proteins. The said company has purchased the consignment of coriander seeds from the farmers and thereafter, sell it to traders through brokers. The de facto complainant is carrying out the said business since the year 2015. He had sent consignments of coriander on 19.10.2015 in the response to petitioner's demand.



However, the owner of the Shri. Kiruthika Traders have not made payments against the said supply of coriander which the de facto complainant's firm had sold. Now the amount payable by the petitioner would come to Rs.13,83,620/-, according to the complainant.

4.The learned counsel for the petitioner submitted that since the case was registered in the State of Gujarat, the petitioner did not aware of the same. The petitioner came to know about the paper publication in which he has been shown as an accused. He further submitted that it will take some time to make arraignment to seek anticipatory bail in Gujarat.

5.The learned Government Advocate (Crl.side) would submit that the investigation is pending.

6.This Court on an earlier occasion ordered notice to the first respondent and private notice was also permitted. However, the second respondent has not received any proper instructions from the first respondent police. The Court notice has been returned for want of time. Private notice has been served on 10.12.2018.

7.Despite service, the first respondent has not chosen to appear before this Court. Considering the same and the plight of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

8.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.I, Virudhunagar on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the learned Judicial Magistrate, No.I, Virudhunagar daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

<https://hcservices.ecourts.gov.in/hcservices/>

[e] On breach of any of the aforesaid conditions, 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]**.

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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-I
VIRUDHUNAGAR.
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTTUR.
- 3 THE INSPECTOR OF POLICE,
KESHOD POLICE STATION, JUNAGADH DISTRICT,
GUJARAT.
- 4 THE STATE OF TAMIL NADU
THROUGH THE SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR DISTRICT, VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.V.ANAND Advocate SR.No.23992

PS/VR/SAR-3/31.12.2018/3P/7C

ORDER
IN
CRL OP(MD) No.21559 of 2018
Date :21/12/2018