



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17064 of 2017

MANSOOR @ MANSOOR AHAMED

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE SUB-INSPECTOR OF POLICE
SESSIONS COURT POLICE STATION,
TRICHY CITY
(CRIME NO. 766 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.VADIVELAN Advocate

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

For Intervener : MR.T.A.EBENEZER Advocate

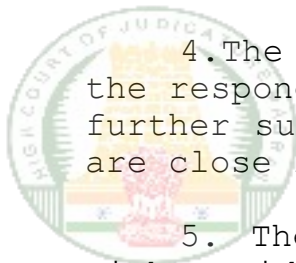
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who arrayed as sole accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(B), 420 and 506(i) IPC., in Crime No.766/2017, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is doing old paper business and he know the petitioner, who is also doing the same business in his locality. Further from 27.12.2016 onwards, there was number of business transactions between him and the petitioner. The petitioner paid a sum of Rs.19,90,000/- and the defacto complainant requested to settle the balance amount, the petitioner refused to settle the amount and further he abused the defacto complainant using filthy language and also threatened him with dire consequences.

3.The learned counsel appearing for the petitioner submitted that the petitioner and the defacto complainant are close relatives and the petitioner has been falsely implicated in this case, he has not committed any offence as alleged, he is in no way connected with the offences and pleads for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted investigation is still pending. He further submitted that the petitioner and the defacto complainant are close relatives.

5. The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence the petitioner and the defacto complainant is having business transaction, in which the petitioner herein purchased the waste papers from the defacto complainant. During the course of above transaction, according to the case of petitioner, the defacto complainant has sent two consignments with defective goods. The said allegation is now denied by the defacto complainant.

6.Considering the fact of the case, in the business community if any defective goods are sent by the seller, immediately the purchaser can reject the goods. But, in this case the learned counsel appearing for the petitioner fairly conceded that after receiving the defective goods he had not sent any letter to the defacto complainant by mentioning that the goods are defective. So, the argument advanced by the learned counsel appearing for the petitioner is not substantiate with the documents. However, the alleged offence was happened by way of business transaction. Hence, the Custodial interrogation of the petitioner is necessary for completing investigation. Accordingly, this Criminal Original Petition is dismissed.

sd/-
08/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, TRICHY DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT
- 3 THE SUB-INSPECTOR OF POLICE
SESSIONS COURT POLICE STATION, TRICHY CITY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.A.EBENEZER Advocate SR.No.2191

ORDER
IN
CRL OP(MD) No.17064 of 2017
Date :08/02/2018