



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17910 of 2017

ABDUL SAMATH

... PETITIONER/ ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
FORT CRIME POLICE STATION,
TRICHY CITY.
CRIME NO.1490 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK, Advocate

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

For Intervenor : M/S.S.MUNIYANDI, Advocate

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

ORDER : The Court Made the following order :-

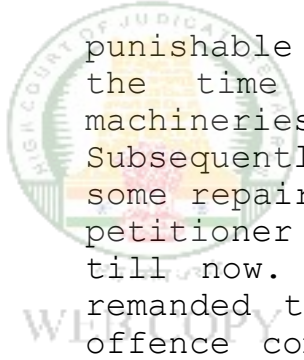
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 406 & 379 IPC in Crime No.1490 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the de facto complainant purchased some machineries from the petitioner for a sum of Rs.26,00,000/-. Subsequently, the same was returned to the petitioner for doing some repair for the fault found in the said machineries. After receiving the machinery, the petitioner did not return to the de facto complainant.

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) appearing for the respondent Police submitted that the properties were not recovered and the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered for the offences



punishable under Sections 406 & 379 IPC. It is alleged that during the time of occurrence, the de facto complainant purchased machineries from the petitioner for a sum of Rs.26,00,000/-. Subsequently, the same was returned to the petitioner in order to do some repair found in the machineries. After receiving the same, the petitioner has not handed over the same to the de facto complainant till now. In this case, two accused were already arrested and remanded to the judicial custody. So considering the nature of offence committed by the petitioner, recovery of the property is necessary for completing the investigation and custodial interrogation is also necessary. If anticipatory bail is granted to the petitioner, it will prejudice the process of the investigation.

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

sd/-
24/01/2018

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
FORT CRIME POLICE STATION, TRICHY CITY.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17910 of 2017
Date :24/01/2018

MS/CM-VR/SAR.1/01.02.2018/2P.3C