

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12242 of 2019

G.SUDHAKAR

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
STATION HOUSE OFFICER (SHO),
MANGALAMPETTAI POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.60 OF 2019

[RESPONDENT]

For Petitioner : MR.R.C.PAUL KANAGARAJ FOR
M/S.J.P.BALASUBRAMANIAN Advocate

For Respondent : MRS.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 24.04.2019 for the offences under Section 294(b), 420 and 506(ii) of IPC in Crime No.60 of 2019 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioner is an Agent, who had purchased Milk from the Company, in which, the de-facto complainant is working. The petitioner had received 14 Freezers from the company for the purpose of stocking the milk and he was due and payable a sum of Rs.4,31,319/-. The petitioner issued a Cheque for this amount and the same was dishonoured on the ground of insufficient funds. When the de-facto complainant demanded the repayment of the money and for returning back the Freezers belonging to the company, the petitioner is said to have abused the de-facto complainant and threatened him with the dire consequences.

3.The learned counsel for the petitioner submitted that the entire case is a Civil dispute between the parties and it has been given a Criminal colour. The learned counsel for the petitioner further submitted that the petitioner was arrested and remanded to

judicial custody on 24.04.2019 and he had already suffered incarceration for more than 15 days.

4.The learned Additional Public Prosecutor submitted that the company has been cheated to the tune of Rs.4,31,319/- and the Cheque given by the petitioner was also dishonoured. The learned counsel further submitted that the petitioner had threatened the de-facto complainant with dire consequences.

5.Taking into consideration, the facts and circumstances of the case and also of the fact that the entire dispute revolves around the business transaction between the parties and the petitioner has already suffered incarceration for more than 15 days, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.2, Vridhachalam, Cuddalore District and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police on every Monday at 10.30 a.m, until further orders.

[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.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]**.

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

-sd/-
08/05/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II
VRIDHACHALAM,
CUDDALORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE
SUB JAIL, VRIDHACHALAM,
CUDDALORE DISTRICT

5 THE STATION HOUSE OFFICER (SHO),
MANGALAMPETTAI POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to J.P.BALASUBRAMANIAN Advocate on payment of necessary charges SR.NO.9492

CRL OP.12242/2019

Date :08/05/2019

cm 09/05/2019