

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.11.2019

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.29108 of 2019

K.Premanand ... Petitioner/ defacto Complainant

Vs.

- 1.Nemichand Bhati
Proprietor of Dhanraj Nemichand.
...1st Respondent /Accused No.8
2. State rep., by
The Inspector of Police,
District Crime Branch (DCB)
Coimbatore.
(Crime No.25 of 2018)
....2nd Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439(2) of Cr.P.C. to cancel the order passed by the learned Principal District / Sessions Judge, Coimbatore in Crl.M.P.No.3291 of 2019 in CR.NO.25/2019 dated 19.10.2019 and cancel the anticipatory bail granted.

For Petitioner : Mr.A.Edwin Prabakar

For Respondents : Mr.T.Shunmugarajeswaran,
Government Advocate.

O R D E R

This application has been filed seeking cancellation of anticipatory bail granted to A8 by order dated 19.10.2019 by the learned Principal District and Sessions Judge, Coimbatore, in Crl.M.P.No.3291 of 2019 in Crime No.25 of 2019 on the file of the respondent police.

2. The defacto complainant has filed the present petition. It is the grievance of the learned counsel the petitioner that while seeking anticipatory bail before the learned Principal District and Sessions Judge, Coimbatore, the 8th accused has filed a series of documents, the bills, invoices and also discharge of those invoices and the attention has been drawn to those invoices by the learned counsel for the

petitioner and it is stated that the issue in the present case was with respect to moving Koppara from Pollachi to Hyderabad and non payment of the value of the said Koppara. It is stated that the present farmers, had sold the Koppara, but have not received the consideration for the same.

3. Drawing the attention to the invoices, it is stated by the learned counsel for the petitioner that the invoices related to Kopparas moved from Govindapuram in Kerala and not from Pollachi.

4. Learned counsel for A8, however, pleaded discharge and that amounts have been paid and further stated that with respect to the place of origin, that it is Govindapuram in Kerala, is also where the defacto complainant has a factory.

5. The learned Government Advocate (Crl.side) says that the learned Principal District and Sessions Judge, Coimbatore, has passed the order of bail after considering all material papers.

6. The learned counsel for the petitioner stated that he would get further information in this case. It is today stated by the learned counsels that the invoices produced by the petitioner/A8 which relates to the Shreenidhi Traders. However, these are not the arguments in the evidence before the learned Principal District and Sessions Judge, Coimbatore. It is also pointed out by the learned counsel for A8 that the Shreenidhi Traders is run by the wife and the daughter of the present petitioner K.Premanand.

7. Even in the grounds seeking for cancellation of bail, this particular aspect is not raised. As a matter of fact, the entire grounds does not even mention in the name of Shreenidhi Traders and they have only mentioned the name of Govindapuram in Kerala. In view of this fact since it is clear that on the basis of the materials available before the learned Principal District and Sessions Judge, Coimbatore, anticipatory bail was granted.

8. This Court is not inclined to cancel the anticipatory bail granted in Crl.M.P.No.3291 of 2019 dated 19.10.2019 by the learned Principal District / Sessions Judge, Coimbatore.

9. The petitioner is given at liberty to raise all the issues at the time of trial and establish the same in the manner known to law.

10. Accordingly, this Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar(CS)

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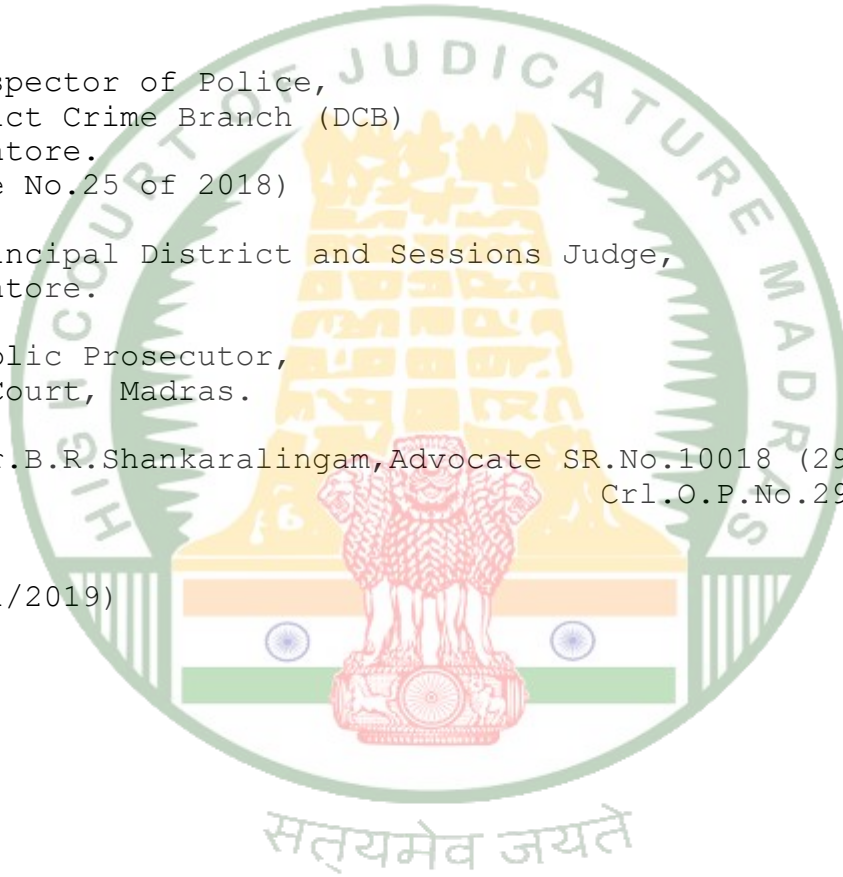
Sub Assistant Registrar

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To

1. The Inspector of Police,
District Crime Branch (DCB)
Coimbatore.
(Crime No.25 of 2018)
2. The Principal District and Sessions Judge,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.R.Shankaralingam,Advocate SR.No.10018 (29/11/2019)
Crl.O.P.No.29108 of 2019

PPA (CO)
A.SK(27/11/2019)



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