



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

Wednesday, the Thirteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.1063 and 1675 of 2019

SIVAVIGNESH ... PETITIONER / SOLE ACCUSED
in CRL OP(MD) No. 1063 of 2019

ANTONY AROCKIADASS ... PETITIONER/NOT KNOWN
in CRL OP(MD) No. 1675 of 2019

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
S.S. COLONY POLICE STATION,
MADURAI CITY.
(CRIME NO. NOT KNOWN OF 2019) ... RESPONDENT / COMPLAINANT
in CRL OP(MD) No. 1063 of 2019

STATE REP. BY
THE INSPECTOR OF POLICE
C3,S.S. COLONY POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. NOT KNOWN OF 2019) ... RESPONDENT / COMPLAINANT
in CRL OP(MD) No. 1675 of 2019

S.GEETHA ... PETITIONER/INTERVENER/
DEFACTO COMPLAINANT
IN CRL MP(MD)Nos. 831 & 991 of 2019
IN CRL OP(MD)Nos. 1063 & 1675 of 2019

For Petitioner : MR.K.M.KARUNAKARAN, Advocate
in CRL OP(MD) No. 1063 of 2019

MR.V.R.ARUNKUMAR, Advocate
in CRL OP(MD) No. 1675 of 2019

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)
in BOTH THE PETITIONS

For Intervener : MR.C.JEYAPRAKASH, Advocate
<https://hcservices.ecourts.gov.in/hcservices/>
IN CRL MP(MD)Nos. 831 & 991 of 2019
IN CRL OP(MD)Nos. 1063 & 1675 of 2019



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

ORDER : The Court Made the following order :-

The petitioners in both petitions, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 420 of IPC in Cr.No.89 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant running a business in the name of Mitson Pvt. Ltd., She is the Board of Director to the company. A1 borrowed a sum of Rs.1,90,000/- from A2 by executing the promisory note. In order to discharge the said amount, A1 handed over the unfilled signed cheque of the defacto complainant to A2 and misused it. Thereafter, A2 went to the Bank and present the cheque and collected Rs.1,90,000/- without the knowledge of the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel appearing for A2 submits that in order to discharge his liability A1 handed over the cheque signed by the defacto complainant.

4.The learned counsel appearing for the intervenor would submit that the cheque meant for business purpose. The unfilled cheque was kept in the business premises which was misused by A1 and subsequently handed over to A2 in order to discharge his liability. It is a clear case of cheating.

5.The learned Government Advocate (Crl.Side) appearing for the State would submit that it is a clear case of cheating. A1 and defacto complainant are business partners. The instrument was kept in the custody of company for business purpose only. In order discharge his liability A1 misused the cheque belongs to the defacto complainant.

6.Considering the facts and circumstances of the case and since the offence committed by the petitioner is a heinous offence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original petition is dismissed.

sd/-
13/02/2019

/ TRUE COPY /



1 THE INSPECTOR OF POLICE
S.S. COLONY POLICE STATION,
MADURAI CITY.

2 THE INSPECTOR OF POLICE
C3, S.S. COLONY POLICE STATION,
MADURAI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+2. CC to MR.C.JEYAPRAKASH, Advocate SR.No.46630 & 46631
+1 CC to Mr. V.R.ARUNKUMAR, Advocate SR.No. 3049

ORDER
IN
CRL OP (MD) Nos.1063 AND
1675 of 2019
Date :13/02/2019

MSI/PN/SAR-III/20.02.2019-3P/7C