



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11660 of 2019

Santhanam

... Petitioner/Accused No.1

Vs

State Rep.by

The Inspector of Police,

City Crime Branch, Tiruchirappalli City,

Tiruchirappalli District

Crime No.38 of 2018

... Respondent/Complainant

For Petitioner : M/s.K.Saravanan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

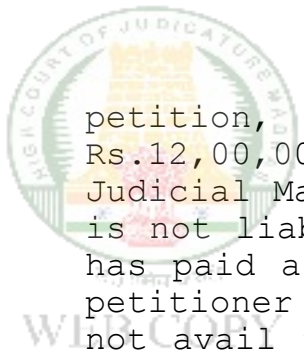
For Anticipatory Bail in Crime No.38 of 2018 on the file of the respondent.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 465, 477, 294(b), 506(i) and 120-B of I.P.C, in Crime No. 38 of 2018, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioner has submitted that as per the FIR, Rs.3,98,000/- alone has been paid to the petitioner and since a complaint has been lodged against the petitioner, the petitioner was forced to close his Company. He further submitted that on an earlier occasion, the petitioner has filed CrI.O.P.(MD) No.19100 of 2018, seeking anticipatory bail and in that original



petition, this Court directed the petitioner to pay a sum of Rs.12,00,000/- within a period of four weeks before the concerned Judicial Magistrate. He further submitted that even though petitioner is not liable to pay the aforesaid amount, to show his bonafide, he has paid a sum of Rs.6,00,000/- to the defacto complainant and the petitioner is not able to pay the balance amount and hence, he could not avail the benefits of the earlier order. He further submitted that the petitioner has not committed any offence and therefore, he prayed for grant of anticipatory bail to the petitioner.

4. Per contra, the learned Additional Public Prosecutor has submitted that the petitioner is running a Gas Agency in the name and style of 'Sathiyas Gas Agency' and he induced the defacto complainant to invest the money to the credit of the said Gas Agency and accordingly, the defacto complainant invested a huge amount of Rs.97 lakhs. Thereafter, the petitioner did not return the amount and hence, the defacto complainant has lodged the complaint. He further submitted that already the petitioner has filed anticipatory bail in Crl.O.P.(MD)No.19108 of 2018. When the said petition came up for hearing, the learned counsel for the petitioner, on instructions, submitted before the Court that the petitioner is ready to deposit a sum of Rs.12 lakhs without prejudice to his rights and considering the same, this Court has granted anticipatory bail to the petitioner by the order dated 08.02.2019 and thereafter, he paid only Rs.6 lakhs to the defacto complainant and the remaining amount has not been paid. However, he filed three petitions seeking extension of time and those petitions were allowed and even within the time extended by this Court, the petitioner has not complied with the condition and finally, he filed fourth application for extension of time and the said petition was dismissed by this Court on 22.07.2019 and therefore, he strongly opposed this petition.

5. A perusal of the records shows that when Crl.O.P.(MD) No.19108 of 2018 came up for hearing, it appears that the learned counsel for the petitioner has submitted before this Court that the petitioner is ready to deposit a sum of Rs.12,00,000/- (Rupees Twelve Lakhs only) and considering the same, this Court granted anticipatory bail by the order dated 08.02.2019, but, subsequently, it appears that the petitioner has paid only a sum of Rs.6,00,000/- (Rupees Six Lakhs only) directly to the defacto complainant, but, thereafter, he has not paid the balance amount and hence, he filed Crl.M.P.(MD)Nos.2427 of 2019, 3342 of 2019 and 4361 of 2019 seeking extension of time and those petitions were allowed, but, even thereafter, the petitioner has not complied with the condition. Under the said circumstances, it is not open to the petitioner to contend that he is not liable to pay any amount. Hence, the principle of estoppel will apply. Therefore, this Court is of the view that the petitioner is not entitled to get any relief from the Court.



6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
30/08/2019

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

TO

1. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TIRUCHIRAPPALLI CITY,
TIRUCHIRAPPALLI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11660 of 2019
Date : 30/08/2019

TK/MMS/SAR.2/16.09.2019/3P/3C