

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.7091 of 2020

1.Palanisamy
2.Chandru
3.P.Sharmila
4.Karthikeyan

...Petitioners/Accused

Vs.

The State Rep. By
The Inspector of Police,
District Crime Branch,
Namakkal.
Crime No.8 of 2020

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory bail in the event of his arrest in Crime No: 8 of 2020 on file of the respondent Police.

For petitioner	:	Mr.C.Ramkumar
For respondent	:	Mr.Mohammed Riyaz, Additional Public Prosecutor
For Intervenor	:	Mr.Guruprasad

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 406, 420 and 506(i) IPC in Crime No.8 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are running a spinning mill and they had purchased cotton yarns from the defacto complainant to the tune of Rs.14.50 lakhs and subsequently, this amount was not repaid nor the finished goods were supplied.

3. The learned counsel for the petitioners submitted that there is a dispute between the first petitioner and the intervener/Mr.Kumar and a business dispute has been given a criminal colour in the present case. The learned counsel further submitted that the second petitioner, who is the son, the third petitioner, who is the daughter and the fourth petitioner, who is the son-in-law of the first petitioner, have nothing to do with the business transactions. The learned counsel further submitted that the petitioners are prepared to comply with any conditions imposed by this Court.

4. Mr.Guruprasad, learned counsel appearing on behalf of the intervener submitted that a false case was given against Mr.Kumar and he was remanded to judicial custody. Thereafter, taking advantage of his absence, a forged letter was given to bank and an F.I.R is pending for having used forged documents. The learned counsel further submitted that the petitioners, apart from cheating intervener have also cheated other persons and now they have conveniently initiated insolvency proceedings to escape from the liability.

5. Mr.N.Manoharan, the learned counsel appearing on behalf of the private parties submitted that the petitioners are adopting the same pattern of purchasing yarn from various persons and thereafter, not paying any of them. The learned counsel further submitted that in order to escape the liability, insolvency proceedings have been initiated by showing 48 persons as creditors and the liability runs to the tune of Rs.5.20 crores. The learned counsel submitted that the fact that the petitioners have revealed this liability in the insolvency proceedings goes on to establish the fact that they have tacitly admitted the liability.

6. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the petitioners have adopted a pattern to cheat various persons to the tune of Rs.5.20 crores and several complaints are received by the respondent police on a daily basis. The learned counsel further submitted that there is already one F.I.R, which is pending investigation. The learned Additional Public Prosecutor therefore, vehemently opposed the grant of anticipatory bail to the petitioners.

7. This Court has carefully considered the submissions made on either side and the materials available on record.

8. The allegations made against the petitioners are very serious and it involves the interest of several persons and the amount involved runs to the tune of Rs.5.20 crores. Unless the petitioners are subjected to custodial interrogation, the respondent police will not be able to establish any substantial progress in the investigation. This Court is of the considered view that the present case is not fit for consideration for grant of anticipatory bail to the petitioners.

9. Accordingly, the Criminal Original Petition is dismissed.

-sd/-

18/06/2020

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,
TIRUCHENGODE (SATISFACTION COURT)

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAMAKKAL

CC to M/S. C.RAMKUMAR Advocate on payment of necessary charges

CRL OP.7091/2020

Date :18/06/2020

RVR 10/07/2020