

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.11643 of 2020

Salman @ Abuthaheer @ Bush Abuthaheer

...Petitioner

Vs.

The State Represented by, ...Respondent

The Inspector of Police,
Kattur Police Station,
Coimbatore District.
Crime No.110 of 2020.

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.110 of 2020 pending on the file of the respondent police.

For Petitioner : Mr. B. Mohan

For Respondent : Mr. M. Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 409, 420 and 120 (b) of IPC in Crime No.110 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Balakrishnan is that he is a Partner in Shetty and Company which deals with supply of television and electronic goods. While so, the accused had made a call to the defacto complainant and stated that they are running a business in the name and style of Keerthi Imports and Exports and placed orders for purchase of electronic items and issued post dated cheques for a sum of Rs.10,00,000/- and Rs.13,53,750/- respectively. Accordingly, the defacto complainant

had supplied the electronic items to the petitioner's company to the tune of Rs.30,79,750/-. Thereafter, when the cheques were presented for encashment, they were dishonored for the reasons "insufficient fund" and the shop of the accused was closed down and thereby the accused cheated the defacto complainant. Hence the case.

3. The learned Counsel for the petitioner would submit that the case of commercial transaction has been falsely projected as a case of cheating and the petitioner did not involve in the purchase of electronic items from the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose stating that the petitioner's Modus Operandi is to purchase bulk products from several traders on the false promise of making payment and thereafter would close the business and vanish from the place of business. He would further submit that the petitioner has 4 previous case out of which, one for bomb blast case and three other cases have been registered at CB CID, Coimbatore and Coimbatore Varity Hall Police Station respectively. He further submitted that earlier in a similar manner the petitioner's team had purchased bulk goods from a victim and thereafter they did not pay money in respect of which, a case was registered in Crime No.6 of 2020 by the District crime Branch, Coimbatore. He would submit that co-accused in this case had approached this Court seeking for anticipatory bail in Crl.O.P.No.8726 of 2020 and this Court by order dated 16.06.2020 had granted anticipatory bail on the assurance given by the accused that he will repay the amount of Rs.20 lakhs in two installments. However, the co-accused after obtaining anticipatory bail, did not comply with the conditions and thereby this Court was pleased to dismiss the anticipatory bail granted to the petitioner and would submit that custodial interrogation of the petitioner is very much essential.

5. The learned counsel for the intervenor would submit that the accused had joint together and contacted the defacto complainant stating that they are engaged in sale of electronic goods and believing the assurance given by the accused persons, the defacto complainant had supplied goods to the tune of Rs.30,79,750/- for which, the accused had issued two cheques for a sum of Rs.10,00,000/- and Rs.13,53,750/-. When the cheques were presented for encashment, they were dishonored due to insufficient fund. Thereafter, when the defacto complainant had tried to contact the accused, their phones were switched off and their shop was closed and that the accused had escaped from the scene of occurrence. On verification, it was found that the details given by the accused are bogus. He would further submit that the goods are yet to be recovered from the accused. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

6. Considering the facts and submissions made by the learned Counsels and the main accused in this case viz., Sargunam was arrested and remanded to judicial custody and the fact that the anticipatory bail application of the co-accused in this case have

been dismissed by this Court and the custodial interrogation of the petitioner is very much required in this case, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
07/08/2020

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,
NO.II, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KATTUR P.S,
COIMBATORE DISTRICT.

CC to M/S. B.MOHAN Advocate on payment of necessary charges

CRL OP.11643/2020

सत्यमेव जयते Date:07/08/2020

TA-21/08/2020

WEB COPY