



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

Date : 05/03/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4127 of 2020

Kamarudeen

... Petitioner/
Accused Rank Not Known

Vs

State Rep. by
The Inspector of Police,
District Crime Branch,
Sivagangai District.
(Crime No.Not Known/2020)

... Respondent/Complainant

For Petitioner : M/s.S.M.Sanjay,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory bail in Crime No. of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and
the learned Government Advocate(Crl. Side) appearing for the
respondent.

2.The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 294(b),
506(ii) and 420 of I.P.C., in Crime No.Not Known of 2020 on the file
of the respondent police, seeks anticipatory bail.



3. One Kannan, who is the supplier of footwear, has given complaint alleging that the petitioner herein having received a sum of Rs.10,00,000/- cash and goods worth about several lakhs, has failed to repay the money and cheated a sum of Rs.47,00,000/-. When he demanded repayment of the money, the petitioner herein not only refused to give the money back, also threatened the defacto complainant with dire consequences.

4. This complaint dated 30.01.2020 has been forwarded to the District Crime Branch for enquiry. The petitioner herein on receipt of the summon, has approached before the Inspector of Police, District Crime Branch on 10.02.2020 and has promised to produce documents in his favour to show that he is not liable to pay the defacto complainant and he has not cheated him. However, instead of producing documents, the petitioner has approached this Court seeking anticipatory bail.

5. The complaint, though on the face of it appears to be a commercial transaction, there is element of cheating for the investigation to probe, since the defacto complainant has alleged that the goods sold for credit not been paid and the petitioner, who promised to pay in installment for the chit, has failed to pay monthly due.

6. Unless and until the petitioner cooperates for the enquiry, the true fact will not come to light. Hence, the respondent police shall proceed with the enquiry and the petitioner is directed to appear before the respondent police and cooperate with the enquiry. If there is any material for registering the case, same shall be done by the respondent police, after due enquiry.

7. Since petition enquiry is pending, this Court is of the view that no anticipatory bail order is required. The petitioner shall participate in the enquiry and the respondent police shall not arrest the petitioner unless *prima facie* material available to register the case and prosecute with the petitioner.

8. With the above directions, this criminal original petition is disposed of.

sd/-
05/03/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.M.SANJAY, Advocate (SR-4968[I] dated 09/03/2020)

ORDER

IN

CRL OP (MD) No.4127 of 2020

Date :05/03/2020

GNS

SRS/ PN/ SAR-I/ 13.03.2020/ 3P/4C