



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

Date : 25/06/2020

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PRESENT

The Hon'ble Mr.Justice RMT.TEEKAA RAMAN

CRL OP(MD) . No.6614 of 2020

R.Srinivasan @ R.Seenivasan ... Petitioner/Accused No.1

Vs

The State rep. by,
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
(Crime.No. 34 of 2019)

... Respondent/Complainant

For Petitioner : Mr.I.Pinaygash,
Advocate.

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

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

PRAYER :-

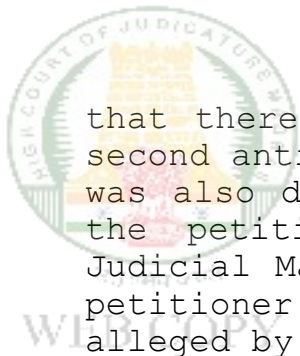
To enlarge the Petitioner/Accused No.1 on Anticipatory Bail in the event of his arrest or surrender the case in Cr.No. 34 of 2019 dated 13.11.2019 on the file of the Respondent Police Station and pass such further or other orders.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 120(b) of I.P.C., in Crime No. 34 of 2019 on the file of the respondent police, seek anticipatory bail.

3. The learned counsel for the petitioner submitted that the petitioner and accused Nos.4, 5 and 6 were filed anticipatory bail petitions in Crl.O.P(MD) Nos.740 and 760 of 2020 before this Court. This Court, by an order dated 31.01.2020, granted anticipatory bail to the accused Nos.4, 5 and 6 except this petitioner on the ground



that there was a previous case. Subsequently, the petitioner filed second anticipatory bail in Crl.O.P(MD) No.6109 of 2020 and the same was also dismissed on 12.06.2020. However, in the previous case, the petitioner already obtained statutory bail by the learned Judicial Magistrate Court, Jhargram. He further submitted that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution. Hence, seeks anticipatory bail.

4. The learned Additional Public prosecutor appearing for the respondent submitted that earlier two anticipatory bail applications filed by the petitioner were dismissed on the ground that he has a previous case similar in nature and hence, opposed for grant of relief.

5. Perused the complaint and the First Information Report filed by the respondent police.

6. It is seen from the case bundle in Crl.O.P(MD) No.740 and 760 of 2020 that the co-accused namely Samsudeen, Rajamani and Priya were granted anticipatory bail while the petitioner namely Srinivasan was dismissed. On perusal of material, it is seen that Samsudeen is only a name lender and allowed to use his TIN number, for the purpose of facilitating the transaction namely, receipt of the paddy from Tirunelveli and for supply of the paddy to the other states including Andhra and West Bengal. From the records, it is also seen that the petitioner alone has taken delivery of the goods from the defacto complainant and he has not paid the amount, it is the finding of the earlier application in Crl.O.P(MD) No.760 of 2020.

7. The learned counsel for the petitioner submitted that it is a factual error.

8. The paddy were delivered by the defacto complainant only to this petitioner and he has made facilitation through Samsudeen and the other accused. Srinivasan having received the goods entrusted with him has not paid the amount. Furthermore, he had obtained a default bail in respect of the case pending before the West Bengal Court and it is not an acquittal.

9. In view of the above, I do not find any merits in this case. Accordingly, this Criminal Original Petition is dismissed.

sd/-
25/06/2020

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



TO

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

ORDER
IN
CRL OP (MD) No.6614 of 2020
Date :25/06/2020

CP
SRS/ JC/ SAR-II/ 29.06.2020/ 3P/3C