



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

Date : 05/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.11048 of 2020

M.Gurusamy @ Selvam

... Petitioner/Sole Accused

Vs

State Represented by,
The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
(In Crime No.598 of 2020).

... Respondent/Complainant

S.Manikandan

... Petitioner/Intervener
in CrI.MP(MD)No.5422/2020
in CrI.OP(MD)No.11048/2020

For Petitioner : Mr.A.Balaji,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (CrI.Side)

For Intervenor : Mr.A.Thiruvadi Kumar
Advocate.

PRAYER :-

For Anticipatory Bail in Crime No.598 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as sole accused, apprehending
arrest at the hands of the respondent police for the offences
punishable under section 420 of IPC in Crime No.598 of 2020 on the
file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that defacto complainant is
running a business in the name and style of CNB Diamonds Private
Limited, Mayiladudurai and the petitioner / sole accused is running
a jewellery shop in the name and style of New Vetrivel Jewelers,
Rajapalayam. While being so, the petitioner had purchased the
diamonds from the defacto complainant's company to the tune of
Rs.24,90,182/- in between 22.09.2017 and 16.02.2018 and thereafter,



failed to return the consideration amount to the defacto complainant, thereby, he cheated to the tune of around Rs.25,00,000/-.

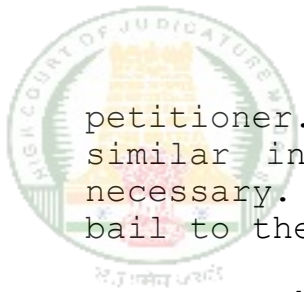
3. The learned counsel for the petitioner submitted that the petitioner purchased the diamonds from the defacto complainant's company only for Rs.7,50,000/- and as his business was under bad cloud, he was not able to pay the outstanding to the defacto complainant's company. Therefore, an arrangement has been made between the petitioner and the defacto complainant vide registered the sale agreement, dated 26.06.2018. In and by the sale agreement, the petitioner was agreed to sell his property to the defacto complainant for an amount of Rs.5,00,000/-. As the petitioner refused to execute the sale deed, the defacto complainant had lodged a complaint and the same was registered in Crime No.598 of 2020. In so far as the other complaints are concerned, the petitioner already settled the entire amount before the police station and he sought for anticipatory bail.

4. Per contra, the learned counsel for the intervenor / defacto complainant submitted that the petitioner purchased diamond to the tune of Rs.25,00,000/- and thereafter, he failed to repay the entire amount. In fact, the petitioner executed an agreement of sale for the property in favour of the defacto complainant. After verification, the petitioner has no title over the property and the property stands in the name of his father. Because of the petitioner involved so many crimes, his father now is not willing to give any share in favour of the petitioner herein. Therefore, the petitioner not only cheated the defacto complainant and also by execution of sale agreement for the property, which is not owned by the petitioner herein.

5. The learned Government Advocate (criminal side) submitted that so far the petitioner involved in another case and also received three complaints as against the petitioner, which is similar in nature, the petitioner used to purchase diamond from the defacto complainant and thereafter, he did not pay the consideration of the diamond and thereby cheated to the tune of 24,90,182/-. A verification of the sale agreement, executed by the petitioner, found that the property is not owned by the petitioner herein. Therefore, custodial interrogation of the petitioner is very much necessary and prayed the petition to be dismissed.

6. It is seen that the petitioner is the sole accused. Admittedly, the petitioner is running a jewellery business and purchased the diamonds from the defacto complainant to the tune of Rs.24,90,182/- on various dates from 22.09.2019 to 16.02.2018. Thereafter, the petitioner failed to pay the amount to the defacto complainant. On perusal of the records, it is seen that the petitioner executed an agreement of sale to the defacto complainant.

<https://hccasescourts.gov.in/hccservices/> it is found that the property is not owned by the



petitioner. Since the petitioner involved several crimes, which are similar in nature, custodial interrogation of the petitioner is necessary. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, this Criminal Original Petition is dismissed.

sd/-
05/11/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE INSPECTOR OF POLICE
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11048 of 2020
Date :05/11/2020

Ls
PK/JC/SAR-IV/18.11.2020 : 3P/3C