

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.5560 of 2021

C.K.Gananavel

... Petitioner

Vs.

The State,
Rep by The Sub-Inspector of Police,
Central Crime Branch,
Coimbatore City, Coimbatore.
(Crime No.15 of 2021)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.15 of 2021 on the file of the Sub-Inspector of Police, Central Crime Branch, Coimbatore City, Coimbatore District.

For Petitioner : Mr.R.Selvakumar

For Intervenor : Mr.Niranjana S.Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Cr1. Side)

O R D E R

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 of I.P.C. in Cr.No.15 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that during the course of business, the petitioner is alleged to have cheated the defacto complainant to the tune of Rs.1,83,89,450/-.

3.The learned counsel appearing for the petitioner would submit that for the very same issue, the defacto complainant had already initiated civil proceedings before the Regional Micro and Small Enterprises Facilitation Council, Coimbatore Region in O.P.MSEFC/CBER/92/2017, wherein the mediation failed and the same is now pending adjudication before the Arbitral Tribunal at Chennai in

I.A.F.No.25/2019/MHC AC and further submitted that lodging criminal complaint during the pendency of arbitral proceedings is unsustainable one. The learned counsel further submitted that as against the F.I.R., the petitioner has filed quash petition in CrI.O.P.No.1104 of 2021.

4.The learned counsel appearing for the intervenor submitted that mere pendency of the arbitral proceedings will not be a bar to lodge criminal complaint, however, he fairly admitted that the petitioner has filed petition to quash the F.I.R., and that the same is pending.

5.Heard the submissions made by the learned Government Advocate (Criminal Side).

6.Considering the fact that for the very same issue, arbitral proceedings and quash petition is pending, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VII, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders and co-operate for investigation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/06/2021

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.VII, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE SUB-INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, COIMBATORE CITY,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.SELVAKUMAR Advocate on payment of necessary charges Sr.6642

CRL OP.5560/2021

Date :17/06/2021

RVR 06/07/2021

WEB COPY