

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.15625 of 2020

K.VidhyaPrakash

... Petitioner/Accused

Vs.

The State Represented by
The Inspector of Police,
District Crime Branch,
Salem District.
(Crime No.10 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
Crime No.10 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.N.Manokaran

For Intervener : Mr.M.Purushothaman

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl side)

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420 and 506(i) of IPC in Crime No.10 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant being the Proprietor of a Dying Unit has entered into a contract with the petitioner who is owning a Yarns factory. The petitioner has entrusted a huge quantity of Yarn bundles for dying to the defacto complainant. Now, the defacto complainant has filed the above complaint against the petitioner stating that he has cheated the defacto complainant by not remitting the money payable for dying to a tune of Rs.1,26,00,000/- (One Crore Twenty Six Lakhs Only).

3.Mr.N.Manokaran, learned counsel appearing for the petitioner would submit that in the said complaint, it was specifically stated that there was a oral agreement with the petitioner for colouring the yarns. Accordingly, the petitioner assigned the defacto complainant to dye 1,39,360 yarn bundles and after completing the dying work in respect of 1,06,172 yarn bundles, the defacto complainant raised bill for Rs.2,49,18,985/- which was paid by the petitioner and bank statement was filed to prove the same and thereafter, with mala fide intention, again raised claim for Rs.1,60,00,000/- with no records and lodged a false complaint against the petitioner before the law enforcing agency.

4.The learned counsel appearing for the petitioner would further submit that in respect of the same issue, the petitioner given five cheques and the same were dishonoured. If so, it is for the defacto complainant to work out his remedy before the appropriate forum.

5.Mr.M.Purushothaman, learned counsel appearing for the intervener/defacto complainant would submit that the transaction in between the petitioner and the defacto complainant is more than four crores. However, the details were not disclosed in the FIR.

6.The learned Government Advocate (Crl.Side) would submit that the investigation is almost completed and the petitioner cheated the defacto complainant for huge amount.

7.Considering the facts and circumstances of the case and also the submission made by the learned Government Advocate (Crl.Side), I am inclined to grant anticipatory bail to the petitioners on certain conditions.

8.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-VI, Salem, 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., for the period of two weeks and thereafter as and when required for interrogation;

(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/-
21/06/2021

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-VI,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to N.MANOKARAN Advocate on payment of necessary charges SR.NO.
6692

CRL OP.15625/2020

Date :21/06/2021

MN-08/07/2021