



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18679 of 2021

DHANAPATHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
KOMARALINGAM POLICE STATION,
TIRUPPUR DISTRICT.
(CRIME NO. NOT KNOWN OF 2021)

For Petitioner : M/S D.R.ARUN KUMAR Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 378 and 506(2) of IPC in Cr.No.Not Known of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a manufacturer of Jaggery and the de-facto complainant, native of Kerala purchased Jaggery from the petitioner regularly and they have known each other for a long period of time. The de-facto complainant came to petitioner's place for business purpose and due to some personal health issues, he is unable to return in his car, hence, he left his car with the petitioner and went back to Kerala in lorry. When the de-facto complainant came back for restocking of the goods and to take back the car, the petitioner refused to return the car and have not supplied the goods for the amount that has been paid by the de-facto complainant and threatened him with dire consequences. Hence, the law enforcing agency registered a case against the petitioner based on the complaint lodged by the de-facto complainant.

3.The learned counsel appearing for the petitioner submitted that this is purely a commercial dispute. The de-facto complainant regularly purchased Jaggery in wholesale from the petitioner and the de-facto complainant received goods of worth about Rs.10,00,000/- from the petitioner and have not repaid the amount. Thereafter, the de-facto complainant voluntarily handed over his car as a security for



releasing further stocks of Jaggery. He further submitted that the cheque provided by the de-facto complainant was also returned because of insufficient fund. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) submitted that due to commercial dispute, the petitioner forcibly took the car from the de-facto complainant and threatened him with dire consequences. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, as the issue relates to a commercial dispute and the de-facto complainant is alleged to have handed over the car to petitioner on his own volition for further release of goods, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Madathukulam, 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for two weeks and thereafter as and when required for interrogation;

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

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

(f) 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;



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

WEB COPY

-sd/-

06/10/2021

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,
MADATHUKULAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
KOMARALINGAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S D.R.ARUN KUMAR Advocate on payment of necessary charges SR.NO.11091

CRL OP.18679/2021

Date :06/10/2021

CSK 26/10/2021