

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20819 of 2020

S.GANESHKUMAR

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY

INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
COIMBATORE.

CRIME NO.24 OF 2020

[ RESPONDENT ]

For Petitioner : M/S H.RAJASEKAR Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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 offences punishable under Sections 120B, 420 of IPC in Crime No.24 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there are totally seven accused involved in this case. The petitioner is arrayed as A2. The defacto complainant is the Administrative Director of A/s.ACME Fitness Private Limited Company. During May, 2020, A4 approached the defacto complainant by saying that they were running a company which is involved in importing Nitrile Gloves and supply to various parts of the country and after the meeting of A1 and A5, spoke with the defacto complainant and assured that they will fulfil the requirements of the defacto complainant. Believing the words of A1, A4, A5 and A7, the defacto complainant started working with the accused company and placed an order of 10 lakhs Gloves. It is alleged that on receipt of consignment of 2.9 lakhs, they found 68000 gloves were used one and the remaining packs contained less quantity and for this transaction, the defacto complainant paid a sum of Rs.1,09,31,200/-. When the defacto complainant asked for the shortage gloves and damaged gloves, he was abused and threatened and ultimately cheated. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submits that the,petitioner is innocent an person and he is in no way connected with the alleged offence and that he has been falsely implicated in this case as if he is the family friend of A1. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the accused were alleged to have cheated to the tune of Rs.1,09,31,200/- for supplying damaged gloves which were used one and also found shortage of gloves. A1 and A3 were arrested and they are still custody. Therefore he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the gravity of the offence committed by the petitioner and that the huge amount involved in this case and that the investigation of the case is still underway, this Court is of the opinion that it would not be justiciable to grant anticipatory bail to the petitioners at this point of time.

6.Accordingly, this Criminal Original Petition is dismissed.

-sd/-

16/04/2021

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 INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
COIMBATORE.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S H.RAJASEKAR Advocate on payment of necessary charges SR NO.5005

CRL OP.20819/2020

Date :16/04/2021

MK:21/04/2021