



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21641 of 2021

G.BASKAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
KALLAKURICHI 606 202
(CC.NO.76 OF 2017)

[RESPONDENT]

For Petitioner : M/S. M.K.BHOOPATHY RAJAN Advocate

For Respondent : MR.N.S.SUGANTHAN, 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 offences punishable under Sections 138 of NI Act r/w Section 142 of NI Act, in C.C.No.76 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Selvaraj borrowed money from the defacto complainant, for which the petitioner gave a security cheque for a sum of Rs.5,00,000/-, he did not execute any agreement with the complainant. The borrower refused to pay the amount, therefore the defacto complainant gave a complaint against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the main accused one Selvaraj was acquitted in C.C.No.78 of 2017 for the case was not proved against him and the petitioner was convicted by the learned Judicial Magistrate Fast Tract, Kallakurichi on 02.08.2021 in C.C.No.76 of 2021 to undergo simple imprisonment for a term of 1 year under Section 255 (ii) of Cr.P.C. and directing him to pay a sum of Rs.5,00,000/- under Section 357(3) Cr.P.C. for a case under Section 138 of NI Act r/w 142 of NI Act. Further he preferred an appeal before the learned District and Session Judge, Villupuram in C.A.No.32 of 2021 along with Suspension of Sentence petition in C.M.P.No.7814 of 2021, which is also pending and the same came up for hearing on 11.11.2021 and ordered to issue notice and posted the case



on 26.11.2021. In the mean time, the petitioner apprehends arrest at the hands of the respondent police. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that this petition is not maintainable here.

5. On perusal of the records, it reveals that, already the petitioner preferred an appeal in Crl.A.No.32 of 2021, before the learned Principal District Sessions Judge, Villupuram, in which, he also filed Suspension of Sentence in C.M.P.No.7814 of 2021. In that order, the Court was ordered notice and posted the matter on 26.11.2021. In the mean time the petitioner apprehends arrest by the respondent Police.

6. Considering the facts and circumstances that the appeal was filed and the Suspension of Sentence petition is also pending before the appellate Court. The respondent police is directed not to arrest the petitioner till 26.11.2021. The petitioner is also directed to approach the trial Court.

7. In view of the above, this Criminal Original Petition is dismissed.

-sd/-
18/11/2021

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 PRINCIPAL DISTRICT SESSIONS JUDGE,
VILLUPURAM.

2 THE JUDICIAL MAGISTRATE
FAST TRACK, KALLAKURICHI.

3 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

4 THE INSPECTOR OF POLICE, KALLAKURICHI POLICE
STATION, KALLAKURICHI 606 202.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. M. K.BHOOPATHY RAJAN Advocate on payment of
necessary charges SR.NO.12965

CRL OP.21641/2021

Date :18/11/2021

CSK 02/11/2021