



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.2256 of 2021

Sathasivam

... Petitioner/Accused No.1

Vs

State Represented by,
The Inspector of Police,
District Crime Branch Police Station,
Virudhunagar,
Virudhungar District.
Crime No. 9/2018.

... Respondent/Complainant

For Petitioner : Mr.Karunanidhi.R,
Advocate

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

For Intervenor : Mrs.Mahalakshmi
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.9 of 2018 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 420 and 506(i) IPC in crime No.9 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and his brother purchased rice from the defacto complainant to the tune of Rs.45,98,450/- . However, they paid only Rs.5,80,000/- and failed to pay the balance amount and cheated the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person. He would further submit that the petitioner and his brother purchased rice to the tune of Rs.45,98,450/- and had paid major portion of the amount in cash and the defacto complainant taking advantage of the same, had projected that only Rs.5,80,000/- had been paid. Further, it is only a business transaction, which is given criminal color.

4.The learned counsel appearing for the intervenor would submit that the petitioner and his brother were running a rice business. They had approached the defacto complainant for purchasing of rice. The defacto complainant also supplied rice to the tune of Rs.45,98,450/-. The petitioner, on receipt of rice, paid Rs.5,80,000/- and failed to pay the balance amount. A2 in this case has been arrested. The petitioner along with A2 had received the rice and sold the same in the market and misappropriated the entire amount.

5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that it is third anticipatory bail application and there is no change in circumstances. Further, the petitioner involved in similar type of offences and he is also a habitual offender and hence, he opposed to grant anticipatory bail to the petitioner.

6.It is seen that it is third anticipatory bail petition. Further, the petitioner involved in two cases, which is similar in nature. In view of the same, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
15/03/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNGAR DISTRICT

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.2256 of 2021

Date :15/03/2021

gns

PK/SMA/07.04.2021 : 3P/3C