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

Date : 29/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.10591 of 2021

SIVANANTHAM

... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE
KANDAVARAYANPATTI POLICE STATION,
THIRUPATHUR TALUK,
SIVAGANGAI DISTRICT-630 211.
(CRIME NO.69 OF 2021)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.MAHABOOB ATHIFF, ADVOCATE FOR
MR.PRAKASH.N.V. ADVOCATE

For Respondent : MR.P.KOTTAI CHAMY,
GOVERNMENT ADVOCATE (Cr1.Side)

For Intervenor : MR.V.KARHTIRVELU, SENIOR COUNSEL FOR
MR.L.SHAJI CHELLAN, ADVOCATE

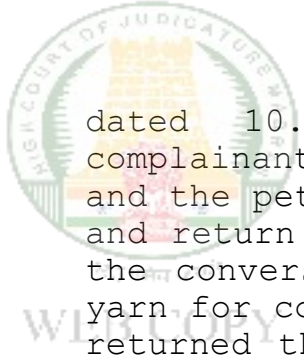
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.69 of 2021 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 alleged offence punishable under Sections
402 and 506(1) of IPC, in Crime No.69 of 2021, seek anticipatory
bail.



dated 10.08.2020 for yarn conversion, wherein the defacto complainant would supply the raw cotton to the petitioner's company and the petitioner's company would convert the same to cotton thread and return the same to the defacto complainant's firm on payment of the conversion costs/labour. The complainant entrusted 1,70,778 kg yarn for conversion and the petitioner has converted 1,64,778 kg and returned the same to the complainant and retained 8078 kg worth about Rs.35,00,000/-. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioner has filed a Civil Suit in O.S.No.1544 of 2021 on the file of the learned Principal District Munsif Court, Coimbatore.

4.On 24.08.2021, based on the submissions made by the learned counsel for the petitioner as well as the learned counsel for the defacto complainant, this Court had referred the matter to Mediation centre.

5.Today, the learned Mediator has filed a report before this Court that the mediation failed.

6.The learned Government Advocate(Crl. Side) would submit that as per the direction of this Court, the respondent police filed a detailed report before this Court, wherein it is stated that the petitioner has cheated the defacto complainant to the tune of Rs.35,00,000/- and also stated that the petitioner has sold all the machineries to some other person.

7.The learned senior counsel for the defacto complainant submits that the petitioner has mislead the Court by alleging that there was a dispute with regard to the money claimed by the defacto complainant and therefore, he has filed a suit before the Principal District Court, Coimbatore in O.S.No.1544 of 2021. Since, it was also referred in para 5 of the petition filed before this Court, the defacto complainant has filed a copy application before the concerned Court and the same was returned stating that only 906 suits were filed before that Court and no such suit in O.S.No.1544 of 2021 is pending. He would further submit that the petitioner intention is to cheat all the persons including the bank before whom, he hypothecated all the machineries. Though the machineries have been purchased on hypothecation, without the knowledge of the bank, he has sold all the machineries to some other person and attempted to escape from the clutches of law.

8. Considering facts and circumstances of this case and also the report filed by the respondent police, this Court is not inclined to grant anticipatory bail to the petitioner.



9. Hence, this Criminal Original Petition is dismissed.

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Sd/-
29/09/2021

/ /2021

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

TTA

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.

TO

1. The Inspector of Police,
Kandavarayanpatti Police Station,
Thirupathur Taluk,
Sivagangai District..
 2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.L.DHSJI VHRLLSN, Advocate SR.No.6728

ORDER
IN
CRL OP(MD) No.10591 of 2021
Date :29/09/2021

SP/CN/SAR IV/18/11/2021/3P/4C