



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.14505 of 2021

R.Runesh

... Petitioner/Accused

Vs

State rep.by

The Inspector of Police,
Thallakulam Police Station,
Madurai District.

(Crime No.1218 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Maran M, Advocate.

For Respondent : M/s.SS.Madhavan,
Government Advocate (Crl.Side)

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

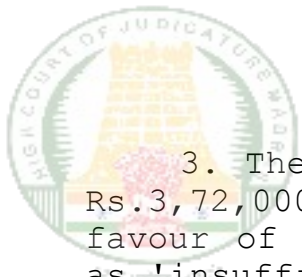
PRAYER :-

For Anticipatory Bail in Crime No.1218 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Though this petition has been filed without crime number, when the matter is taken up, the learned Government Advocate (Crl. Side) submitted as per the order of the learned Judicial Magistrate No.II, Madurai, passed in a petition under Section 156(3) Cr.P.C. filed by the defacto complainant in Cr.M.P.No.2914 of 2021 dated 15.04.2021, a case in Cr.1218 of 2021 has been registered for the offences punishable under Sections 406 and 420 IPC against two persons namely Runesh and Perumal.

2.The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 420 IPC I.P.C, in Crime No.1218 of 2021 on the file of the respondent police, seeks anticipatory bail.



3. The case of the prosecution is that the cheque for a sum of Rs.3,72,000/- vide Cheque No.969934 given by the petitioner in favour of the defacto complainant was returned with an endorsement as 'insufficient funds', when the same was presented before the Bank for collection. Thereafter, when the same was informed to the petitioner, he paid a sum of Rs.1,72,000/- to the defacto complainant and assured to pay the balance amount of Rs.2,00,000/- within a period of one month thereafter. He issued cheque after cheque. But all are returned. Hence, the complaint.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case.

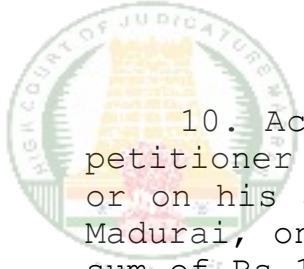
5. The learned Government Advocate (Crl.Side) for the respondent police submitted that investigation is pending.

6. Reading of the FIR shows that the petitioner/A1 herein gave a false promise to the defacto complainant that they are running a company in the name and style of 'Touch Infrass Builders and Promoters' in Madurai and instigated the defacto complainant to invest the money in their company by stating that if he invested money in their company, he will get more profit. On that basis on 01.06.2016, the defacto complainant invested Rs.3,00,000/- (Rupees Three Lakhs only) and the accused persons indulged in fabricating false records. He demanded the salary that was also refused. On 01.06.2017, he issued a cheque for a sum of Rs.3,72,000/-, which was also returned dishonoured. A portion of amount was paid by him, later cheated the balance amount of Rs.2,00,000/-.

7. Now the contention on the part of the petitioner is that on the earlier occasion when the petition enquiry was undertaken, he approached this Court seeking anticipatory bail. At that time, since it was submitted by the police that enquiry was closed based, the same petition came to be dismissed. Again he filed this petition seeking anticipatory bail. By the order dated 01.10.2021, he was directed to appear before the respondent police on 26.10.2021.

8. Now the grievance of the petitioner is that he appeared before the respondent police on 26.10.2021. But after receiving another complaint, the present FIR has been registered. Whatever may be the FIR has been registered only based upon the order passed by the learned Judicial Magistrate No.II, Madurai.

9. It appears that it is a dispute between the business partners. Considering the facts and circumstances of the case and since the petitioner also enjoyed the interim order so far as not to arrest in the form of interim direction, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



10. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Madurai, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

11. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
17/12/2021

/ TRUE COPY /

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

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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 JUDICIAL MAGISTRATE NO.II,
MADURAI.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.14505 of 2021
Date :17/12/2021

SP/VR/SAR I/30/12/2021/3P/5C