



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two
PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR
CRIMINAL ORIGINAL PETITION No.12587 of 2022

K.KATHIRAVAN @ KATHIRESAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH POLICE STATION,
TIRUPPUR CITY.
CR.NO.4 OF 2022.

[RESPONDENT]

For Petitioner : M/S.R.PRABAKAR Advocate

For Respondent : MR.V.MEGANATHAN, Govt. Advocate (Crl. Side)

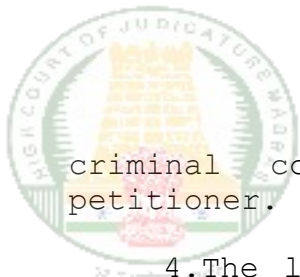
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 120B, 420, 409 of IPC, in Crime No.4 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one agent Mani/A1 introduced several dealers of Baniyan products. They demanded to supply materials with 45 days credit basis. The defacto complainant started business with the companies on 45 days credit basis on the basis of assurances. The defacto complainant has done business to the tune of Rs.3,55,13,580/-. Some of the persons have paid some amounts and entire amounts have not been paid by them. They have not paid the amount as assured by them. The de-facto complainant alleges that due to the conspiracy the amounts were not paid in time, thereby they have committed the criminal breach of trust and cheated the defacto complainant.

3.The learned counsel for the petitioner submits that the petitioner is running a Garment factory and used to purchase yarn from the defacto complainant on 45 days credit basis and he has to pay the amount. Out of Rs.45 lakhs, Rs.1.5 lakhs has been paid in the year 2019 and thereafter due to covid-19 pandemic the petitioner is unable to do his business as projected and not able to pay the amount as per the agreement. The commercial transactions has been given a



criminal colour and F.I.R. has been registered against the petitioner. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submits that the defacto complainant and the petitioner jointly doing yarn business and petitioner did not paid the amount as assured by him to the de-facto complainant, therefore the F.I.R was registered against the petitioner on the file of Judicial Magistrate No.II, Thiruppur District. Hence he opposed granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and accused A1, A2 and A6 arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Tiruppur 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which the petitions for anticipatory bail shall dismissed and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

26/05/2022

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 JUDICIAL MAGISTRATE,
NO.II, THIRUPPUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH POLICE STATION,
TIRUPPUR CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.PRABAKAR Advocate on payment of necessary charges
Sr.8036

CRL OP.12587/2022

Date :26/05/2022

RVR 01/06/2022