



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13393 of 2022

K.NATHAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
SARAVANAMPATTY POLICE STATION,
COIMBATORE.
(CRIME NO.332/2022)

[RESPONDENT]

For Petitioner : M/S.R.C.PAUL KANAGARAJ Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

For Intervener : M/S.C.D.JOHNSON, Advocate for
M/S.K.VASANTHANAYAGAN, Advocate

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 offences punishable under Sections 406 & 420 of IPC in Crime No.332 of 2022, seeks anticipatory bail.

2. The petitioner had business transaction with the defacto complainant for supply of scrap materials. So far, on many occasions the petitioner supplied the scraps on receipt of money from the defacto complainant. Whereas, in respect of invoice No.22 the petitioner paid a sum of Rs.11,05,483/-. Thereafter, petitioner failed to supply the scrap materials to the defacto complainant. Hence, the complaint.



3. The learned counsel for the petitioner would submit that on supply of materials on 10.03.2022 registered invoice to the tune of Rs. Rs.11,05,483/-. In fact, subsequently the petitioner had supplied scrap materials to the defacto complainant and raised invoice. However, the defacto complainant failed to pay the amount for the subsequent invoices and as such petitioner has also lodged a complaint and he was issued CSR.No.304 of 2022 on the file of the respondent police.

4.The learned counsel for the intervener submitted that the petitioner produced fabricated and forged invoice dated 10.03.2022 in the invoice No.22 before the Court below, in CMP No.2352 of 2022 and obtained interim protection. Thereafter, the defacto complainant had taken steps to cancel the interim protection and the same was vacated by the Court below. Thereafter, there was no second transaction between the petitioner and the defacto complainant.

5.Admittedly there was a business transaction between the petitioner and the defacto complainant. That apart, they had business earlier to the invoice dated 10.03.2022. The allegation against the petitioner is that, on receipt of money to the tune of Rs.11,05,483/- he failed to supply the scrap materials. Subsequent to the invoice No.22, the petitioner raised other two invoice under the notice of 23 and 24 for the supply of scrap materials to the defacto complainant. But in those two invoices, the defacto complainant did not make any complaint before the respondent police. After registering the complaint, CSR No.304 of 2022 was assigned, which is pending. Therefore it is only business transaction and hence the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner with 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, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood 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 petition for anticipatory bail shall stand 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 Magistrate 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 daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

WEB COPY [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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
15/06/2022

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, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SARAVANAMPATTY POLICE STATION,
COIMBATORE.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

+1 CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary
charges SR.NO. 9143

+2 CC to M/S.K.VASANTHANAYAGAN Advocate on payment of necessary
charges SR.NO. 9228

CRL OP.13393/2022

Date :15/06/2022

RW-21/06/2022