



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

Date : 27/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) Nos. 14405 of 2021

WEB COPY

Sankar Narayanan

... Petitioner/Accused
(Rank Not Known)

Vs

1.The State Rep. By,
The Inspector of Police,
City Crime Branch,
Tirunelveli City.
Crime No. Not known of 2021.

... Respondent/Complainant

2.Raghu Venkatesan

...Petitioner/Intervener
in Crl MP (MD) No.8809 of 2021

For Petitioner : M/s.Lenin Kumar T, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

For Intervener : Mr.Ajmal Khan, Senior Counsel
for M/s. Ajmal Associates

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

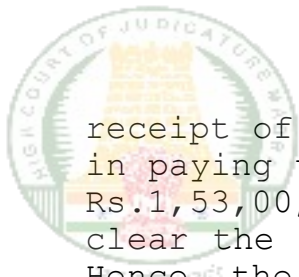
PRAYER :-

For Anticipatory Bail in Crime No.Not known of 2021 on the file
of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of
the respondent police for the offences punishable under Sections 406
and 420 of IPC, in Crime No.Not known of 2021, seeks anticipatory
bail.

2.The case of the prosecution is that the defacto complainant
is the Manager of TVS Automobile Solution Company Ltd. According to
him, in the said Company, so many dealers throughout the India have
been appointed to sell their tyres and other automobile spare parts.
The petitioner is one among the dealers and he was appointed in the
year 1974. During the course of business, the petitioner furnished
Bank Guarantee to the tune of Rs.20,00,000/-. As per the oral
agreement, the dealer will be supplied TVS Tyres on credit bill and
the dealers have to clear the bill within 30 days from the date of



receipt of goods. From the year 2019 onwards, there was some default in paying the bill. Now, the bill amount accumulated to the tune of Rs.1,53,00,000/-. When the complainant demanded the petitioner to clear the outstanding, he refused to do so and cheated the Company. Hence, the complaint.

WEB COPY

3. The learned counsel for the petitioner would submit that there is a business transaction between the complainant and the petitioner for the past three decades. The complainant, by furnishing false account, has fastened criminal liability against the petitioner and he would clear the actual outstanding, if he is given sufficient time. He would further submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that on 11.02.2022, the learned counsel for the petitioner submitted that the petitioner is ready to deposit the amount of Rs.50,00,000/- to show his bona fide within a month. Till date, the said order has not been complied with. He would further submit that since the huge amount was involved in this case and the investigation is not yet completed, the custodial interrogation of the petitioner is very much necessary. Therefore, he opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel appearing for the Intervenor strongly opposed for grant of anticipatory bail to the petitioner.

6. Considering the nature and gravity of the offence and considering the conduct of the petitioner in non-compliance of the earlier order and also considering the facts that the amount involved is more than Rs 1.5 crores and the investigation is still pending, the custodial interrogation of the petitioner is very much necessary. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

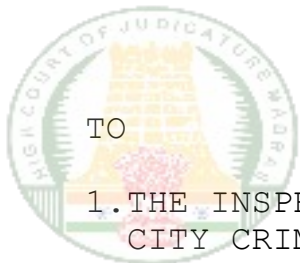
sd/-
27/10/2022

/ TRUE COPY /

/11/2022

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

CP



TO

1. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI CITY.

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

+1 CC to M/s. T. LENIN KUMAR, Advocate (SR-12035[I] dated
28/10/2022)

ORDER

IN

CRL OP (MD) No. 14405 of 2021

Date : 27/10/2022

RK/SSS/SAR-3 (11/11/2022) 3P/4C