



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.17254 of 2022

WEB COPY

Vijayarahavan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Sub Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
In Crime No.208 of 2022

... Respondent/Complainant

For Petitioner : M/s.Jothi Basu.M, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr.No.208/2022 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 offences punishable under Section 306 of I.P.C, seeks anticipatory bail.

2.The case of the prosecution is that totally two accused in this case. The defacto complainant namely Mohanapriya is the wife of the deceased Sankar. The deceased and the petitioner have business transaction. The deceased borrowed goods from the petitioner to a value of Rs.1,77,000/-. The deceased has paid the said amount to the petitioner. But he has received a cheque from the deceased to a value of Rs.11,27,000/- and initiated proceedings under Section 138 of NI Act, due to which on 21.09.2022, the deceased has committed suicide. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is arrayed as first accused in this case. The petitioner and the deceased are having business transaction between them. He has supplied the goods to a value of Rs.11,27,000/- to the deceased. On 12.12.2017, the deceased issued a cheque. The petitioner presented the said cheque for collection in his bank and the same was returned. Hence, the petitioner has filed a complaint before the Judicial Magistrate Court, Aruppukottai, under Section 138 of Negotiable Instruments Act and also filed a suit for recovery of



money in O.S.No.9 of 2018 before the Additional District Magistrate, Virudhunagar. He would further submit that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the civil proceedings are pending between the parties. The deceased, in his suicide note, has specifically implicated the accused. He would further submit that investigation is at the preliminary stage and custodial interrogation of the petitioner is necessary. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the nature and gravity of offence and also the facts that investigation is at the preliminary stage and custodial interrogation of the petitioner is necessary, this Court is not inclined to grant bail to the petitioner.

6. Hence, this Criminal Original Petition is dismissed.

sd/-

28/09/2022

/ TRUE COPY /

/10/2022

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

CP

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 Sub Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.17254 of 2022

Date : 28/09/2022

RK/GB/SAR- (10/10/2022) 2P/3C

<https://www.mhc.tn.gov.in/judis>