



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 26/07/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.19783 of 2021

S.Manikandan

: Petitioner/Rank Not
Known

Vs.

State through
The Inspector of Police,
Anna Nagar Police Station,
Madurai District.

(Crime No.2204 of 2021)

: Respondent/Complainant

For Petitioner : Mr.V.Kathirvel
for Mr.K.Prabhu

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

For Intervenor : Mr.S.Bala Karthick, Advocate

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

PRAYER:-

For Anticipatory Bail in Crime No.2204 of 2021 on the file of the Respondent Police.

ORDER:- The Court made the following order:-

The petitioner, who is arrayed as accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 IPC, in Crime No.2204 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that the accused persons introduced one Sivanesan, who belongs to his area stating that the petitioner is running an office called 'SRC Enterprises' engaged in employing the persons in abroad and for the purpose of the above said arrangement, he paid a total sum of Rs.5,52,000/- in cash, apart from Rs.7,18,500/- through Bank transaction received from various



persons. Those persons were sent abroad, but with fake visa and passport. Those persons were sent back and they approached the de-facto complainant for return of money. When he approached the accused persons, they promised to return the same. Towards the above said promise, they have also issued a cheque. Later, it was found that those cheques were issued without sufficient amount in the Bank account. When that was questioned, he was criminally intimidated. Over which, the present case has been registered.

3. Seeking anticipatory bail, this petition came to be filed by the petitioner. One A. Namasivayam has also filed intervening petition and he was also heard.

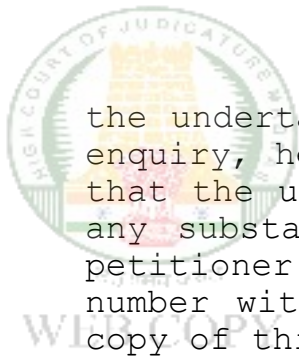
4. Now the case of the petitioner is that he obtained employment for various persons in mid-east countries, but due to some difficulties, he was not able to offer employment to the de-facto complainant and towards return of the above said amount, he paid cheques for Rs.4,00,000/- and apart from that, he has also transferred Rs.50,000/- through on line. He is also ready to pay the balance amount of Rs.3,50,000/- to the de-facto complainant. But during the course of investigation, the possibility of settlement has been undertaken and according to the prosecution, he is liable to pay Rs.13,00,000/-.

5. During pendency of this petition, finding that it is the Agent and Customer dispute, the matter was referred to Mediation. But for one or other reasons, it could not be succeeded.

6. The learned counsel appearing for the petitioner would submit that he is also ready to deposit the balance amount of Rs.3,50,000/- to the credit of the crime number and certainly, he is not liable to pay Rs.7,00,000/- as demanded by the de-facto complainant. The de-facto complainant relied upon the statement of undertaking given by the petitioner, at the time of enquiry by the police. For which, the learned counsel appearing for the petitioner would submit that no credence and reliance can be attached to such an undertaking recorded during the course of enquiry; As all know that police enquiry will be nothing, but the forcible act. On that ground, he disowns the above said undertaking.

7. It is also seen that towards discharge of the above said liability, the petitioner issued cheques. But those cheques were also returned due to funds insufficient, over which also, complaint has been lodged by the de-facto complainant, who is the intervenor herein.

8. What was the actual amount involved in this case is a matter for investigation. The Bank statement of the petitioner has also been produced, wherein we find that on various occasions, various amounts have been deposited in his account and who made the deposit and who benefited is the matter for investigation. In view of



the undertaking given by the petitioner during the course of the enquiry, he must comply the same. So the argument of the petitioner that the undertaking was forcibly obtained by the police is without any substance. So this petition is allowed on condition that the petitioner must deposit Rs.7,00,000/- to the credit of the crime number within a period of one month from the date of receipt of a copy of this order.

9. In view of the above facts and circumstances of this case, this court is inclined **to grant anticipatory bail** to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.VI, Madurai and on his executing 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 Judicial Magistrate concerned and on further condition that **the petitioner shall deposit a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) to the credit of Crime No.2204 of 2021 before the concerned court** and the petitioner shall appear before the respondent police daily at 10.00 a.m, until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. 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/-

26/07/2022

/ TRUE COPY /

/08/2022

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

ER

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.VI,
MADURAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

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



3.THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.PRABHU K Advocate SR.No.7823

ORDER

IN

CRL OP (MD) No.19783 of 2021

Date :26/07/2022

RK/SVR/SAR-II/02.08.2022/4P/6C