



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

Monday, the Eleventh day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.19883 of 2021

JAYAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
BAZAAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO 95/2021.

... RESPONDENT/COMPLAINANT

SURESH BABU

... PETITIONER/INTERVENER
CRL.MP(MD).3785/2022 IN
CRL.OP(MD).19883/2021

For Petitioner : M/s.MARIAPPAN.G,
Advocate.

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

For Intervenor : Mr.M.JOTHI BASU
Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.95 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 & 420 of IPC, in Crime No.95 of 2021 on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the accused was in a business transaction with the defacto complainant for about eight months. On a promise that was made by him, there was a continuous business transaction between them by supplying stationary and groceries. On that above said promise on various dates, the defacto complainant has supplied goods worth about Rs.10,58,175/-. But the petitioner has settled the amount only for two supplies Rs.2,87,450/-. Later the defacto complainant supplied the goods, but without payment he has committed default and cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a business transaction between the parties.

5. It is a business transaction between the parties and it could not be settled due to difference of opinion. The learned counsel for the petitioner also produced the particulars of bills, regarding the supply of groceries. The learned counsel for the petitioner submitted that in respect of the above said bills, he has received articles only for two bills and that was also settled by him. In respect of other bills, goods were not delivered to him. One Soundara Pandian acted as broker and he only appeared before the Mediation Centre and stated that he has received the articles from the defacto complainant and delivered the same to the petitioner. But he is not in position to show documents for the same. Considering the fact that it is a business transaction issue between the petitioner and the defacto complainant, over which a suit notice has also been given on 29.02.2020 and considering the facts and circumstances of the case, let the respondent police enquire the above said Soundarapandian also in this issue. The petitioner is also directed to appear before the respondent police and co-operate with them to complete the process of investigation. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Virudhunagar, 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 learned Magistrate concerned and **(*)the petitioner shall appear before the respondent, once in a week at 10.30 a.m. until further orders.** The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



7. 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/-

11/07/2022

(*) FOR BEING MENTIONED, AS PER THE ORDER OF THIS HONOURABLE COURT DATED 02/08/2022 IN CRL OP(MD) No.19883 of 2021.

/ TRUE COPY /

/07/2022

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

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

To be substituted with the order dated 11/07/2022 already despatched

- 1 THE JUDICIAL MAGISTRATE NO.I
VIRUDHUNAGAR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE
BAZAAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.MARIAPPAN.G Advocate SR.No.6934
- +1. CC to M/S.G.M.LAW OFFICE, SR.No.6923

ORDER

IN

CRL OP(MD) No.19883 of 2021

Date :11/07/2022

SA/PN/SAR.3/26.07.2022/3P/7C

MK/VR/SAR.I/05.09.2022/2P/7C

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