



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 05/01/2022
PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.20053 of 2021

K.Kannadasan ... Petitioner/Sole Accused

Vs.

State rep. By
The Inspector of Police,
Nilakkottai Police Station,
Nilakkottai,
Dindigul District.
(Crime No.41 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.Vanchinathan, Advocate

For Respondent : Mr.SS.Madhavan,
Government Advocate(Criminal side)

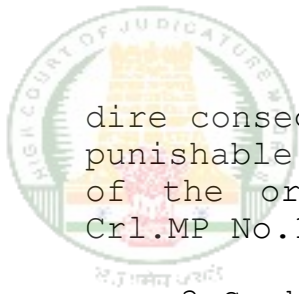
PETITION FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C
PRAYER :-

For Anticipatory Bail in Crime No.41 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 420 and 506(i) IPC, in Crime No.41 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant was running a flower shop in Nilakottakai. From 03/01/2017 to 16/10/2017, he was sending jasmine flowers along with garlands to the petitioner's Export Company, which was functioning in the name of Merits Beulah Exports, Trichy. The petitioner was to pay the money for the above said business transaction. During the course of the above said business transaction, the petitioner failed to pay the balance amount of Rs.11,96,973/-, so the further supply was stopped by the de-facto complainant. Later, the petitioner started to purchase garlands and jasmine from Nilakottai. On 27/02/2020 at 3.00 pm, when the de-facto complainant demanded money back, the petitioner alleged to have threatened the de-facto complainant with



dire consequences. So, the case has been registered for the offences punishable under sections 294(b), 420 and 506(i) IPC, on the basis of the order of the learned Judicial Magistrate, Nilakottai in Crl.MP No.1424 of 2020.

3. Seeking anticipatory bail, this petition came to be filed on the ground that even as per the allegations made in the FIR, 420 IPC is not attracted.

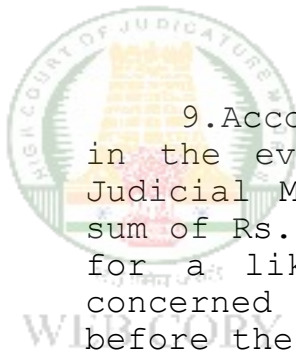
4. Now the case of the petitioner is that the de-facto complainant instead of sending one kgs. of jasmine, has sent only lesser quantity and he suffered huge loss. So, he made a complaint before the CCB, Trichy. On the basis of the complaint, a case has been registered in Crime No.26 of 2019 for the offences under sections 406 and 420 IPC, on 07/05/2019. Only as a counter blast for the above said complaint, the present complaint has been lodged, on 29/02/2020.

5. Apprehending trouble at the hands of the Investigating Officer, in the earlier occasion, this petitioner filed three criminal original petitions before this court, seeking anticipatory bail. During the course of enquiry, the learned Government Advocate (Criminal side) would submit that pending enquiry has been conducted and the same was closed. After that only, based upon the above said order passed by the learned Judicial Magistrate, Nilakottai, the present case has been registered.

6. Reading of the complaint and taking the same on the face value, it appears that there were business transactions between the petitioner and the de-facto complainant. As pointed out by the learned counsel appearing for the petitioner, he moved Crl.OP(MD) No.4491 of 2020 seeking anticipatory bail, when the same was pending in the enquiry stage. So, during the course of the above said enquiry, it was submitted by the respondent that no cognizable offence has been taken against this petitioner, recording the same, that petition came to be closed.

7. Now as mentioned earlier, it is a pure case of business transaction between the de-facto complainant and the petitioner. According to the de-facto complainant, there was a balance amount of Rs.11,96,973/-. According to the petitioner, the de-facto complainant cheated him to the value of Rs.10,96,169/-, by supplying the lesser quantity of jasmine flowers.

8. Considering the above facts and circumstances of this case and the allegation and counter allegation made against each other, the custodial interrogation of the petitioner may not be required in the light of the factual circumstances and accordingly, this court is inclined to **enlarge the petitioner on anticipatory bail** with certain conditions.



9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Nilakottai 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 am until further orders. The petitioner shall comply with the conditions 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 will stand dismissed.

sd/-

05/01/2022

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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

- 1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
NILAKOTTAI POLICE STATION, NILAKOTTAI,
DINDIGUL DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20053 of 2021

Date : 05/01/2022

SS/VR/SAR-II/11.01.2022 : 3P/5C