



Crl.OP.No.13279 of 2023

G.CHANDRASEKHARAN, J.

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This petition is filed to enlarge the petitioner on bail on event of arrest in connection with Crime No.11 of 2023 on the file of the respondent Police.

2.Heard the learned counsel appearing for the parties.

3.During the course of hearing, it is submitted by the learned counsel for the intervenor/defacto-complainant that, when the petitioner was arrested and produced before the learned Judicial Magistrate, Mettupalayam, on 13.04.2023, for judicial remand, the learned Judicial Magistrate, Mettupalayam, passed the following order:-

“On perusal of the remand report and the connected records, it is found that, there is no grounds for arrest and remand for the offences under Section 406 and 420 of I.P.C. The facts stated in the remand report and the connected records reveals only a civil dispute between the partners of business and there is no prima-facie ingredients of Criminal Breach of Trust and Cheating from the materials submitted along with the remand report.

Further there is no prima-facie case materials and



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grounds for the offence under Section 294 (b), 506 (2) and 120 B of I.P.C.

Further, on perusal of records it is seen that the Investigation Officer had not followed the procedure laid under Section 41-A of the Criminal Procedure Code. Hence, this Court does not approve the arrest of the accused persons.

Therefore, this Court is not satisfied that, there is sufficient materials for arrest and remand of the accused persons. Hence, the accused persons are set at liberty with the direction to appear before the DCB Police, Coimbatore for enquiry whenever they are caused.

4. When it is established from the order of learned Judicial Magistrate, Mettupalayam, that petitioner was set at liberty with a direction to appear before the DCB Police, Coimbatore, for enquiry whenever they required, this Court is of the view that there is no need to entertain this anticipatory bail.

5. Accordingly, this Criminal Original Petition is dismissed.

24.07.2023

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