



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

Date : 17/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6995 of 2023

K.Kannan

... Petitioner/2nd Accused

Vs

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.State rep. by
The Inspector of Police,
V.V.Puram Police Station,
Mysuru District,
Karnataka State.

3.State rep. by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

... Respondents/Complainants

For Petitioner : M/s.C.Suresh Kannan,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on Interstate Anticipatory Bail in the event of his arrest by the Respondent Police pursuant to the issuance of non bailable warrant in C.C.No.31865 of 2022 on the file of the learned VI Additional Civil Judge and J.M.F.C. at Mysuru, Karnataka State, which had been forwarded to the first respondent herein for execution, which had been received by the respondent for service.

ORDER : The Court made the following order :-

The petitioner/A2 who apprehends arrest at the hands of the respondent police pursuant to the issuance of the Non-Bailable



Warrant in C.C.No.31865 of 2022 on the file of the learned Additional Civil Judge and J.M.F.C at Mysuru, Karnataka State, which had been forwarded to the first respondent for execution.

2.The case of the prosecution is that the petitioner is running a Firm in the name and style of Ariharaa Fire Works in Sivakasi and the petitioner used to purchase raw materials from the de-facto complainant on credit basis. In this regard, there was an outstanding for a sum of Rs.11,00,000/- up to the year of 2016. Thereby, the complainant repeatedly demanded money from the petitioner. However, the petitioner issued a cheque bearing No.013773 for a sum of Rs.2,00,000/- drawn on State Bank of India dated 22.04.2022. When it was presented for collection on 07.05.2022, the same was returned on 09.05.2022 with an endorsement "Account closed". The further allegation is that on 23.05.2022, the complainant sent a legal notice to the petitioner in this regard. After receiving notice, the petitioner sent a reply notice dated 04.06.2022. Thereafter, the de-facto complainant filed the above petition. After receiving summon, the petitioner did not appear before the learned VI Additional Civil Judge and J.M.F.C at Mysuru, Karnataka State. Hence, the learned has issued NBW against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the case and he has nothing to do with the said allegations. He would further submit that the petitioner is a resident of Sivakasi, residing within the jurisdiction of the first and third respondents and he apprehends coercive action by the second respondent. He would further submit that Interstate Anticipatory bail may be granted to him to enable him to move to the appropriate jurisdictional Court in Karnataka for necessary relief.

4.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant inter-state interim anticipatory bail to the petitioner for a period of four weeks from the date of receipt of a copy of this order to enable him to move to the concerned Court.

5.Accordingly, interim interstate anticipatory bail is granted to the petitioner for a period of four weeks, on condition that the petitioner shall surrender before the learned Judicial Magistrate No.I, Sivakasi within a period of fifteen days from the date on which the order copy made ready and 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 said learned Magistrate. Further, within four weeks from the date of execution of bail bond, the petitioner shall approach the competent Court in Karnataka and seek appropriate relief.



6. In view of the above directions, this Criminal Petition is disposed of.

sd/-
17/04/2023

/ TRUE COPY /

WEB COPY

/05/2023

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

SJI

TO

1. The VI Additional Civil Judge and J.M.F.C
at Mysuru, Karnataka State.
2. The Judicial Magistrate No.I, Sivakasi.
3. Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputhur.
4. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
5. The Inspector of Police,
V.V.Puram Police Station,
Mysuru District,
Karnataka State.
6. The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-5939[I] dated 17/04/2023)

ORDER
IN
CRL OP(MD) No.6995 of 2023
Date : 17/04/2023

NA/VR/SAR-2/04.05.2023/3P/9C