



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

Wednesday, the Fifteenth day of February Two Thousand and Twenty
Three

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL.O.P(MD)Nos.15073 of 2021 and 12409 of 2022

WEB COPY

Crl.O.P. (MD)No.15073 of 2021:-

S.Muthu Rakkaiah

...Petitioner/Sole Accused

-vs-

The Inspector of Police,
Bodinayakkanur Town Police Station,
Bodinayakkanur,
Theni District.
(Cr.No.1258 of 2021)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of
Cr.P.C, praying to enlarge the petitioner on bail in the event of
his arrest in connection with Cr.No.1258 of 2021 on the file of the
respondent Police.

For Petitioner : Mr.R.Suriyanarayanakumar

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

For Intervenor : Mr.R.Murali

Crl.O.P. (MD)No.12409 of 2022:-

Nayan Ramesh Gala

...Petitioner/Rank not known

-vs-

1.The Inspector of Police,
DCB Police Station,
Theni District.

2.The Inspector of Police,
Bodinayakkanur Town Police Station,
Bodinayakkanur, Theni District.
(Cr.No.1258 of 2021)

...Respondents

PRAYER: Criminal Original Petition filed under Section 438 of
Cr.P.C, praying to enlarge the petitioner on bail in the event of
his arrest in connection with Cr.No.1258 of 2021 on the file of the
respondent Police.

<https://www.mca.gov.in>



For Petitioner : Mr.M.Jerin Mathew
For Respondents : Mr.P.Kottai Chamy
Government Advocate (Crl.side)
For Intervenor : Mr.S.Premkumar

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 465, 468, 471 and 420 and 506(ii)(a) of IPC in Crime No.1258 of 2021 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Nagamani is that he is running a business in the name of VR Spices dealing in cardamom and he along with one Muthurakkaiah, had been selling cardamom to several persons in Bombay. During the period of March, through the first accused, namely, Muthurakkaiah, the de-facto complainant had sent cardamom to the tune of Rs.1,15,86,925/- and whereas, they have sent an amount of Rs.10,00,000/- only and the second accused had not repaid the balance amount. While so, the accused have fabricated a GST document, as if the balance goods were returned back to the de-facto complainant and thereby, cheated the de-facto complainant. Hence, the complaint.

3.The learned Counsel for the petitioner in Crl.O.P.(MD) No.15073 of 2021 would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner is only a Commission Agent and the second accused is the person, who has purchased the goods. He would also submit that other than being the Commission Agent, he has not committed any offence, as alleged by the prosecution. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Counsel for the petitioner in Crl.O.P.(MD)No.12409 of 2022 would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the entire business transaction is only a commercial transaction and he would submit that the entire amounts have been repaid to the Commission Agent, who has received the amount by cash and this petitioner has not committed any offence. Hence, he would seek for anticipatory bail to the petitioner.

5.The learned Government Advocate would submit that the de-facto complainant has supplied cardamom worth of Rs.1,15,86,925/-. They have initially paid an amount of Rs.10,00,000/-. Subsequently, they have fabricated GST documents, as if they have returned the



remaining goods to the de-facto complainant, so as to de-claim of the de-facto complainant and he would submit that investigation is still pending and hence, he would seek for dismissal of these petitions.

6.The learned Counsel for the intervenor would submit that the de-facto complainant is the victim and the accused had purchased the goods from him and that they had cheated the de-facto complainant by creating a fabricated GST document and hence, he would oppose for grant of anticipatory bail to the petitioners.

7.Considering the facts and submissions made by the learned Counsel and also considering the fact that the amount involved in this case is more than a crore and that the investigation is still pending, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, these petitions stand dismissed.

sd/-

15/02/2023

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/02/2023

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

CMR

TO

1.The Inspector of Police,
DCB Police Station,
Theni District.

2.The Inspector of Police,
Bodinayakkanur Town Police Station,
Bodinayakkanur, Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S. SURIANNARYANAN.R. Advocate SR.No.2384(I)

+1. CC to M/S.PREM KUMAR S. Advocate SR.No.2375(I)

ORDER

IN

CRL OP(MD) No.15073 of 2021
and 12409 of 2022

Date :15/02/2023