



CrI.OP(MD)No.13212 of 2023

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

Dated: 02/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

CrI.OP(MD)No.13212 of 2023

G.Sidheswaran

: Petitioner/Sole Accused

Vs.

State represented by
Inspector of Police,
Sivanthipatti Police Station,
Sivanthipatti,
Tirunelveli District.
(In Crime No.117 of 2023)

: Respondent/Complainant

For Petitioner : Mr.B.Prahalad Ravi, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER:-

For Anticipatory Bail in Crime No.117 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-



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The petitioner, who is arrayed as sole accused apprehends arrest at the hands of the respondent police for the offence punishable under section 420 IPC, in Crime No.117 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that he is running a construction company in the name and style of Jayam Constructions. He entered into an agreement with one V.R.S.Natarajan and his family members for the purpose of constructing 8 houses in Tirunelveli between 2010 to 2013. As per the agreement, the cost of the construction has to be paid through the petitioner herein in the capacity of Cashier. In October 2011, Rs.3,00,000/- has been received from the petitioner and he also promised to pay the balance amount of Rs.12,50,000/- on behalf of V.R.S.Natarajan and his family. On demand of the balance amount by the de-facto complainant, the above said Natarajan told him that the balance amount has already been given to the petitioner in the year 2012-2023, so they are not responding for the same. After that, even though the de-facto complainant approached the petitioner, he did not give any amount to the de-facto complainant, thereby cheated him. Upon the complaint given by the de-facto complainant, a case in Crime No.117 of 2023 was registered for the offence stated above.

3.The learned counsel appearing for the petitioner would submit that even as



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per the allegation made in the FIR, the alleged misappropriation has been committed 10 years prior to the complaint; He remained silent for 13 years, thereafter only, he made complaint as a counter blast to the complaint, that was initiated by the petitioner against the de-facto complainant. He would also referring to the suit in O.S No.344 of 2012 on the file of the District Munsif, Coimbatore filed by one M/s.Radical Properties Private Limited against this petitioner and others. The above said suit was filed by one Natarajan as Director of M/s.Radical Properties Private Limited, for permanent injunction, on the basis of the sale agreement entered between the complainant and the defendants in the suit. Apart from that, it has been stated that the petitioner is one of the witnesses against the above said V.R.S.Natarajan in a criminal case. We need not go into those issues in an elaborate manner.

4.Suffice to say that there is a long delay of 13 years in giving the complaint. Apart from that, it is also seen that the complainant is not directly involved in the above said issue. He has stated simply in the complaint that when he contacted, he was informed that they received money in cash through this petitioner also, who was working as Cashier during the relevant time.

5.This petitioner has denied stating that he never worked as Cashier. On the sole ground, this court is inclined to grant anticipatory bail to the petitioner with



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certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.III, Tirunelveli 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 Judicial 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 condition stipulated under Section 438 Cr.P.C. scrupulously.

sd/-
02/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER

To

1.The Judicial Magistrate No.III,
Tirunelveli.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Sivanthipatti Police Station,
Sivanthipatti,
Tirunelveli District.

<https://www.mhc.tn.gov.in/judis>



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

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-11862[I] dated 04/08/2023)

ORDER
IN
CRL OP(MD) No.13212 of 2023
Date :02/08/2023

ED/BUC/SAR- (08/08/2023) 5P / 6 C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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