



CrI.OP(MD)No.15188 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 05/09/2023

PRESENT

THE HON'BLE MR JUSTICE G.ILANGO VAN

CrI.OP(MD)No.15188 of 2023

1.Ganapathiraman

2.Karthika

: Petitioners / Accused No.1 & 2

Vs.

The State through

The Inspector of Police,

Ambasamudram Police Station,

Tirunelveli District.

(Crime No.101 of 2022)

: Respondent / Complainant

2.Sankara Narayanan

: Petitioner / Intervener

in CRL MP(MD) No.12332 of 2023

For Petitioner : Mr.V.Kannan, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For Intervenor : Mr.R.Anand, Advocate

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

PRAYER:-For Anticipatory Bail in Crime No.101 of 2022 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioners, who are arrayed as A1 and A2 apprehend arrest at the hands of the respondent police for the offences punishable under sections 420 and 506(i)



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IPC, in Crime No.101 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that he intended to construct a house in his native place. He engaged the accused for the purpose of constructing the house. The accused is running a Company called 'Make Vin Steel Building Solution'. Believing the words of the accused, contract was entered into, by which it was agreed to pay Rs.1,666/- per sq. feet. Total amount was fixed at Rs.60,54,342/-. On various dates, as per the agreement reached between the parties, he paid Rs.30,22,500/-. On 30/04/2021, they stopped the work. When he visited the property, they came to know that only 10% of the work was completed. Even though, the undertaking given by the accused, they did not fulfil their obligation. Later, it came to know that the above said company itself was closed in the month of January 2022, over which, he gave a complaint. But no proper action was taken. On enquiry, he was criminally intimidated. Upon which, a complaint was filed before the Judicial Magistrate, Ambasamudiram. In Cr.M.P No.1865 of 2022. In pursuance of the order passed by the Judicial Magistrate, this case has been registered in Crime No.101 of 2022 for the offences under section 420 and 506(i) IPC.

3.Seeking anticipatory bail, this petition has been filed by the accused.



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4. Heard both sides.

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5. Without going into the merits of the case, it is seen that this petitioners moved Principal Sessions Judge, Ambasamudiram, in Cr.M.P No.9615 of 2023 seeking anticipatory bail. That was also granted, on the basis of the undertaking given by the petitioners to pay Rs.7,00,000/- to the de-facto complainant, dated 14/08/2023. Later he filed a memo before the trial court seeking extension of time. That was also granted by the Principal Sessions Judge. In spite of that, they did not pay the amount. Finally, it was dismissed by the above said order, dated 14/08/2023. After that, this petition has been filed stating that no such undertaking was given by the petitioners before the Principal Sessions Judge. Without proper instruction, their Advocate has given the above said undertaking, which is not binding upon them. Absolutely, this sort of plea cannot be taken into consideration by this court at this stage.

6. The undertaking given by the Advocate is as good as the undertaking given by a party. The petitioners are indulged in playing game of gamble in the trial court and that too in the High Court also. Such sort of attitude cannot be encouraged. Even a suggestion was also made by this court to make a compromise, is not taken in proper sense by the petitioners. On the above ground, this petition cannot be entertained and deserves dismissal.



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7. In the result, this criminal original petition is dismissed.

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

ER

To

1. The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.

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

+1 CC to M/s.V.KANNAN, Advocate (SR-13277[I] dated 05/09/2023)

ORDER
IN

CRL OP(MD) No.15188 of 2023

Date :05/09/2023

ED/JGB/SAR- (12/09/2023) 4P / 4C

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