



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2023

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PRESENT

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

CRL OP(MD). No.19681 of 2022

Annadurai ... Petitioner/Accused-1

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Dindigul,
Dindigul District
(Crime No.30 of 2022). ... Respondent/Complainant

Mariyaselvaraj ... Petitioner/Defacto Complainant
in Crl MP(MD).13609/2022 in Crl OP(MD).19681/2022

For Petitioner : Mr.John Sathiyan, Senior Counsel
for M/S.M.Karuppasamy, Advocate.
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)
For Intervenor : Mr.V.Kathirvelu, Senior Counsel
for Mr.T.Palanisamy, Advocate

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

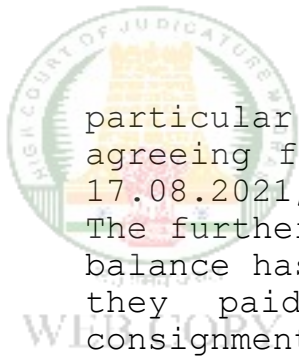
PRAYER :-

For Anticipatory Bail in Crime No.30 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 420 and 506(i) of I.P.C., in Crime No.30 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complaint, is that he was the successful tenderer for supply of Toor Dal to Tamil Nadu Civil Supplies Corporation. The further allegation is that the de-facto complainant had sourced pulses from various traders and in the course of such trade, the petitioner along with



particular price. The further allegation is that after agreeing for the price and quantum of supply between 30.07.2021 to 17.08.2021, Rs.8,10,00,000/- were paid by the de-facto complainant. The further allegation is that only 531 tonnes were supplied and the balance has not been supplied. The de-facto complainant alleged that they paid Rs.8,10,00,000/- towards the value of the total consignment and that the accused have neither returned the money nor supplied pulses. The further allegation is that the accused paid a sum of Rs.85,00,000/- to the de-facto complainant and the balance amount of Rs.2,80,30,517/- was not repaid and thereby, the petitioner had cheated. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.Even according to the de-facto complainant, the petitioner had supplied Toor Dal to the value of Rs.4,44,69,483/- to the de-facto complainant. Thereafter, he paid a sum of Rs.85,00,000/- to the de-facto complainant and the balance amount of Rs.2,80,30,517/- is due. The entire transaction between the petitioner and the de-facto complainant is civil in nature. That apart, there is a dispute between them in respect of fixation of price of the Toor Dal per kg. Therefore, the custodial interrogation of the petitioner is not required in this case.

5.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Dindigul, on condition that 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.



[e] On breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/03/2023

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/04/2023

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

sj i

TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
DINDIGUL, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.PALANISAMY, Advocate (SR-3785[I] dated 09/03/2023)

+1 CC to M/s.M.KARUPPASAMY, Advocate (SR-3925[I] dated 10/03/2023)

ORDER

IN

CRL OP(MD) No.19681 of 2022

Date :08/03/2023

RS/SBN/SAR-1(20.03.2023) 3P 7C