



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.20524 of 2022

Sankar Narayanan

... Petitioner/ 1st Accused

Vs

The Inspector of Police,
Ccb, Tirunelveli City,
(Crime No.19 of 2021).

... Respondent/Complainant

S. Balaji

... Petitioner/Intervener in
Crl MP(MD)No.14757 of 2022

For Petitioner : M/s.Saravanan D,Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

For Intervener : Mr.A.Ajmalkhan, Senior Counsel
For Ajmal Associates.

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

PRAYER :-

For Anticipatory Bail in Crime No.19 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
418 and 420 of IPC, in Crime No.19 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto
complainant is the Manager of TVS Automobile Solution Company Ltd.
According to him, in the said Company, so many dealers throughout
Tamil Nadu have been appointed to sell their tyres and other automobile



spare parts. The petitioner is one among the dealers and is appointed in the year 1974. During the course of business, the petitioner furnished a Bank Guarantee to the tune of Rs.20,00,000/-. As per the oral agreement, the dealer will be supplied with TVS Tyres on credit bill and the dealers have to clear the bill within 30 days from the date of receipt of goods. From the year 2019 onwards, there was some default in paying the bill. Now, the bill amount accumulated to the tune of Rs.1,53,00,000/-. When the complainant demanded the petitioner to clear the outstanding, he refused to do so and cheated the Company. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the second petition for anticipatory bail. The earlier petition was dismissed due to the non-compliance of the earlier order and also considering the fact that huge amount was involved. The petitioner is ready to clear the actual outstanding, if he is given sufficient time. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that during the hearing of earlier petition ie., Crl.OP(MD)N0.14405 of 2021, the petitioner had offered to deposit Rs.50 lakhs to show his bonafides, within a period of one month. The petitioner did not comply with the said order. Due to non-compliance of the order, the earlier petition was dismissed by this Court on 27.10.2022. There is no change in circumstances, hence, he opposed for grant of anticipatory bail to the petitioner.

5. The learned Senior counsel appearing for the Intervenor would submit that the earlier petition was dismissed considering the gravity of the offence and also on account of non-compliance of undertaking by the petitioner. Since there is no change in circumstances, he would pray to dismiss the petition.

6. At this juncture, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition.

7. In view of the above, this Criminal Original Petition stands dismissed as withdrawn.

sd/-
10/01/2023

/ TRUE COPY /

/02/2023

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



TO

1 THE INSPECTOR OF POLICE
CCB, TIRUNELVELI CITY,

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

ORDER

IN

CRL OP(MD) No.20524 of 2022

Date :10/01/2023

VA/SSS/SAR-3/02.02.2023/3P/3C