



WEB COPY

Crl.O.P.(MD)N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.22691 of 2022

and

Crl.M.P(MD)Nos.4639 and 1431 of 2023

Saravanan

... Petitioner/Intervenor

VS.

1.State Rep. by

The Inspector of Police,

Thilagarthidal Police Station(Crime),

Madurai City.

FIR No.633 of 2022

... 1st Respondent/Complainant

2.Kalaiyarasan

... 2nd Respondent/Petitioner

PRAYER : This Criminal Original Petition has been filed under Section 439(2) r/w 482 of Cr.P.C., to cancel the anticipatory bail granted to the second respondent by the learned Sessions Judge, Madurai in Cr.M.P.No.6993 of 2022, dated 09.12.2022.

Prayer in CRL MP(MD) . 4639/ 2023 :

To Implead the petitioner as Respondent No.3 in Crl.O.P.(MD) . No.22691/2022 and thus render justice.

Prayer in CRL MP(MD) . 1431/ 2023 :

To implead the petitioner as Respondent No.3 in Crl.O.P.(MD) No.22691 of 2022 and thus render justice.

For Petitioner : Mr.A.Balaji, Advocate

For R1 : Mr.R.M.Anbunithi
Additional Government Pleader

For R2 : Mr.K.Murugesan, Advocate

ORDER

This Criminal Original Petition has been filed to cancel the anticipatory bail granted to the second respondent by the learned Sessions Judge, Madurai in Cr.M.P.No.6993 of 2022, dated 09.12.2022.



2.The petitioner/intervenor stated that the trial court considered the anticipatory bail filed by the second respondent since he appeared for enquiry and co-operated for interrogation after dismissal of the first application for anticipatory bail. Further, he is also facing 6 complaints so far similar in nature. Further, the second respondent after purchasing the medicines, he failed to repay the amount. Hence, he seeks for cancellation of the anticipatory bail granted by the Court below.

3.It is seen that the petitioner/intervenor has supplied medicines to the second respondent for a sum of Rs.33 lakhs. On receipt of the same, the second respondent, who is being the wholesaler, supplied medicines to the retailers. Thereafter, they failed to repay the said amount, as if, there was a due to the second respondent from the stockiest. At this juncture, the complaint was lodged and the First Information Report has been registered as against the second respondent. Therefore, he could not able to collect amount from the retailers. In fact, after granting anticipatory bail to the second respondent by the Court below, he was directed to appear before the respondent police at 10.00 a.m and 05.00 p.m. On receipt of the another complaint, another FIR has been registered against the second respondent and as such, he could not able to comply with the condition. Even according to the petitioner/intervenor, he supplied medicines to the second respondent, who is being the wholesaler. Thereafter, the second respondent has supplied the same to the retailers. Therefore, it is a case of business transaction. Therefore, it is nothing but recovery of money. There was no intention to cheat the petitioner/intervenor. It is not the case of the petitioner/defacto complainant and the other intervenors. After receipt of the medicines, the second respondent himself sold the medicine and he failed to repay the said amount. Therefore, this Court finds no reasonable grounds to cancel the anticipatory bail granted to the second respondent and further, this Court is not entertaining the other intervenors, who had supplied medicines to the second respondent.

4.In view of the above, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

sd/-

20/03/2023

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/04/2023

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



1 THE SESSIONS JUDGE,
MADURAI.

2 THE INSPECTOR OF POLICE,
THILAGARTHIDAL POLICE STATION (CRIME),
MADURAI CITY.

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

+1. CC to M/S.K.MURUGESAN, Advocate SR.No.4609

ORDER

IN

CRL OP (MD) No.22691 of 2022

Date :20/03/2023

SA/MMS/SAR.4/03.04.2023/3P/5C