



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

Monday, the Thirty First day of October Two Thousand Eleven

PRESENT

The Hon`ble Mr.Justice S.NAGAMUTHU

CRL OP(MD) No.2385 of 2011

1. THIRUMURUGAN @ RAJASEKAR

2. ABDUL SUKKUR @ KUMAR

: PETITIONERS/ACCUSED 4 & 5

Vs.

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR.

CRIME NO.9/2011

: RESPONDENT/COMPLAINANT

SAKTHIVEL RAJA

: INTERVENER

For Petitioner : M/S. P.SENGUTTUARASAN Advocate

For Respondent : M/s. K.S.DURAIPANDI Additional Public Prosecutor

For Intervener : M/S. K.VINAYAGAN Advocate

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for offences under Sections 406 and 420 of the Indian Penal Code in Crime No.9 of 2011, the petitioners are now before this Court seeking anticipatory bail.

2. According to the case of prosecution, the petitioners started a company by name Sony Impex. The said company purchased cotton fabrics worth Rs.28,00,000/- on several occasions and a part of the amount was also paid. A sum of Rs.13,69,261/- is due from the petitioner's mill. Alleging that the petitioner failed to pay the remaining amount, which amounts to cheating, the defacto complainant has preferred a complaint, on which the present case has been registered.

3. The defacto complainant has filed M.P.No.1 of 2011 seeking to intervene and the same has been allowed. The learned counsel for the intervener would submit that the said company is a bogus company and the same has been started only for the purpose of cheating the complainant. The learned counsel would further submit that there are several cases pending against the petitioners, and therefore, they are not entitled for Anticipatory Bail.



4. The learned Additional Public Prosecutor (Criminal Side) would reiterate the above submissions of the learned counsel for the intervener. The respondent - police has filed a counter affidavit to that effect.

5. I have considered the above rival submissions. A perusal of the records would go to show that the said company has been duly registered and it is not a bogus one. Even according to the learned counsel for the intervener, on several occasions, fabrics were purchased by the petitioner's Company to the total tune of Rs.27,89,463/- and a sum of Rs.14,20,202 has already been paid and the balance amount is only Rs.13,69,261/-. Thus, Prima facie, I find that there is some business transaction in which some amount is due to the defacto complainant.

6. In such view of the matter, I am inclined to grant anticipatory bail to the petitioners, but with conditions.

7. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance before the learned Judicial Magistrate, No.II, Virudhunagar, on executing a separate 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 and on further condition that the petitioners shall appear before the respondent police every day at 10.30 A.M., without fail until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C scrupulously.

Sd/-
31/10/2011

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.2, VIRUDHUNAGAR.
2. -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
4. THE INSEPCTOR OF POLICE,
DISTRICT CRIME BRANCH, VIRUDHUNAGAR.

+1 CC to M/S. P.SENGUTTUARASAN Advocate SR.No.37284