IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18744 of 2018

1 L.RAJAPANDIAN [PETITIONERS / ACCUSED]
2 K.MUTHURAMAN

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
B-1, NORTH BEACH POLICE STATION,
CHENNAI.
CR.NO.409 OF 2018.

For Petitioner : M/S.P.SIVAGURUNATHAN Advocate

For Respondent : MR. C.IYYAPPARAJ ADDL.Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420 I.P.C. in Crime No.409 of 2018 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that one C.Ramakrishnan, defacto complainant, is the Director of M/s.Weal Logistics (P) Ltd., who is involved in the business of customs clearance and freight forwarding. A1 and A2 are the partners and running a logistics company in the name and style of SDA Logistics Company. The 1st petitioner is husband of A1 and 2nd petitioner is husband of A2. The petitioners state that A1, A2 and these petitioners are jointly obtained the service from the defacto complainant's company and not paid the bill amount as per invoices raised by the defacto complainant's company.

3.The learned counsel appearing for the petitioner would submit that they did business with the defacto complainant and paid several bills to the defacto complainant as per the invoices raised by them. Petitioners have been falsely implicated in this case.

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4.The learned Additional Public Prosecutor appearing for State submits that the investigation is still pending.

5.In view of the above, and there is no specific over tact against the petitioner. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned VII Metropolitan Magistrate Court, George Town, Chennai, 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 and on further condition that:

(a)the petitioner shall deposit a sum of Rs.7,00,000/- (Rupees seven Lakhs Only) to the credit of Crime No.409 of 2018 on the file of the learned VII Metropolitan Magistrate Court, George Town, Chennai, within a period of two weeks. Thereafter, the learned Judicial Magistrate is hereby directed to disburse the amount to the defacto complainant within two weeks without prejudice to the right.

(b)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;

(c)the petitioner shall report before the respondent police daily at 6.30 p.m. for a period of four weeks and thereafter, as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned 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];*** and;

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(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
10/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE
COURT NO.VII, GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-1, NORTH BEACH POLICE STATION,
CHENNAI

+1CC to M/S.P.SIVAGURUNATHAN Advocate on payment of necessary charges SR.NO. 15103

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CRL OP.18744/2018

Date :10/08/2018

cm 20/08/2018

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