

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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) Nos.7058 and 6975 of 2019

1 S.M.SIVAKUMAR PETITIONER / ACCUSED NO.1
IN CRL OP(MD) No.7058 of 2019

1 JALAL SERIF @ SHALAR SHERIFF

2 INABHARAJ

3 ARUN @ ARUN KUMARPETITIONERS/ACCUSED NOS.4, 5,6
IN CRL OP(MD) No.6975 of 2019

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TRICHY CITY.
(IN CRIME NO.26 OF 2019)

.... RESPONDENT /COMPLAINANT
(In both Petitions)

For Petitioners : Mr.G.Prabhu Rajadurai,
for Mr.P.M.VISHNUVARTHANAN, Advocate in
CRL OP(MD) No.7058 of 2019
Mr.S.Niranjan S.Kumar, Advocate in
CRL OP(MD) No.6975 of 2019

For Respondent : Mr.A.Robinson, Govt. Advocate (Crl. Side)
(In both Petitions)

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

ORDER : The Court Made the following order :-

The petitioners/Accused 1, 4, 5 & 6 , who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 I.P.C in Crime No.26 of 2019, seek anticipatory bail.

2. Heard Mr.P.M.Vishnuvarthanan & Mr.S.Niranjan S.Kumar learned counsel for the petitioners and Mr.A.Robinson, learned Government Advocate(Crl., side) appearing for the State..

3. The case of the prosecution is that the de facto complainant is an Export Agent and the petitioner/A1 is also an export agent operating in the name of M/s. SMS Exports-sum Maker of Jasmin Flowers. The de facto complainant approached the petitioner/A1 in the month of November 2016 to export Jasmine flowers to 3rd and 4th accused company namely M/s Yuwin Trading Pvt Ltd., Singapore through A4 to A6(Shipping Agent viz., M/s Anchorage Shipping, Trichy). Due to some misunderstanding with the de facto complainant, A3 and A4 have not paid Rs.28,30,215/- against the export. Now, it is alleged that with an intention to cheat the de facto complainant, the petitioner A1 exported directly to A3 and A4 without paying the outstanding amount to the de facto complainant. Hence the complaint.

4.The learned counsel for the petitioners submitted that the petitioners are innocent persons and have not committed any offences as alleged by the prosecution.

5. The learned Government Advocate (Crl. Side) opposes for the grant of bail and also submits that only a substantial portion of the investigation is completed.

6. Considering the fact that a substantial portion of the investigation is over and considering the submissions made by the learned counsel on either sides, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 Judicial Magistrate, No-II, Trichy on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the said Magistrate, on further conditions that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/05/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NO-II,
TRICHY
- 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to M/S.P.M.VISHNUVARTHANAN Advocate SR.No.8579
+1. CC to M/S.S.Niranjan S.Kumar,Advocate SR.No.8521

ORDER
IN

CRL OP (MD) Nos.7058 and
6975 of 2019

Date :16/05/2019

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ES/PN/SAR 1/21.05.2019/3P/7C