

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.Nos.15601 of 2020

Chandrasekaran

... Petitioner

Vs.

The State represented by,
Inspector of Police,
DCB Thiruvannamalai
Thiruvannamalai District
(Crime No.29 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge bail in the event of arrest in connection with Crime No.29 of 2020 pending on the file of respondent police.

For Petitioner : Mr. T. Shanmugam

For Respondent : Mr. M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 420 and 506(1) IPC in Cr. No.29 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per defacto complainant is that he placed orders with the petitioner for supply of machineries for making paper cups and the petitioner after receiving payment from the defacto complainant supplied defective and used machines. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a innocent person and he has been falsely implicated in this case. He would further submit that the industry was run by one C.Vijaykumar, son of the petitioner and in order to extract money, petitioner's name was roped in this case. He would submit that during the relevant period the petitioner was not in the country. A case of business transaction has been given a criminal colour. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is a partner of the FMCG International Company, in which the defacto complainant has placed orders to supply machineries and the petitioner's firm had supplied defective machineries to the defacto complainant and cheated him. Hence, he opposed to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the copy of this order is made ready, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.I, Thiruvannamalai failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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 10:30 a.m for a period of two weeks and thereafter every monday at 10:30 a.m until further orders.

[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 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
05/10/2020

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
THIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
DCB THIRUVANNAMALAI,
THIRUVANNAMALAI DIST.

CC to M/S.T.SHANMUGAM Advocate on payment of necessary charges

CRL OP.15601/2020

Date :05/10/2020

MK:21/10/2020

सत्यमेव जयते

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