IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17598 of 2020

Raja Venkat ... Petitioner

Vs.

The State rep. by, ... Respondent
The Inspector of Police,
Central Crime Branch,
Villupuram District.
(Crime No.31 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in crime No.31 of 2020 on the file of the respondent police station.

For Petitioner : Mr.S.Sounthar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences publishable under **Sections 406 of IPC,** in Crime No.31 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Ramesh is that he is running a packaging industry and that he had supplied Corrugated Boxes to the petitioner/accused for the past five years. While so, the petitioner/accused had failed to pay an amount of Rs.5,55,500/- towards the Corrugated Boxes and thereby, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the case of commercial transaction has been projected as a case of cheating. Even as per the complaint, the defacto complainant is stated to have supplied Corrugated Boxes for the past five years and it is a running transaction. In fact the complainant had supplied defective boxes and had claimed exorbitant amount. Thereby, there was a dispute between the petitioner and the defacto complainant.

Further, the petitioner had also returned some of the defective boxes sent to him and that the petitioner suffered severe loss while doing export. Thereby, the petitioner had asked the defacto complainant to take back the remaining boxes. Whereas, he has given a false complaint against the petitioner. He would submit that the petitioner is a businessman and in order to show his bonafide, the petitioner is prepared to deposit the original title deeds of the property worth Rs.6,00,000/- to the credit of crime number without prejudice to his rights and contention.

4. The learned Additional Public Prosecutor would submit that the petitioner had purchased Corrugated Boxes from the defacto complainant worth Rs.5,55,500/- and thereafter, cheated him by not paying the amount. Hence, he vehemently opposed for grant of anticipatory bail.

5. At this juncture, the learned Counsel for the petitioner would reiterate that the reading of F.I.R. would show that there is no averment of cheating and there is no averment of inducement and it is a case of business transaction.

6. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is directed to **deposit the original title deeds of the property worth Rs.6,00,000/- (Rupees Six Lakhs Only) stands in the name of the petitioner or his relatives or friends, to the credit of Crime No.31 of 2020**, within a period of fifteen (15) days from the date on which the order copy is made ready and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before **the learned Judicial Magistrate-II, Villupuram**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] 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.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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].***

[f] 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/-
18/11/2020

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.II, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
VILLUPURAM DISTRICT.

+1 CC to M/S. S.SOUNTHAR Advocate on payment of necessary charges SR.No 7642

CRL OP.17598/2020

Date :18/11/2020

MN-03/12/2020