



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

Date : 04/12/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.13717 of 2020

Syed Ahamed Raise @ Rois

...Petitioner/3rd Accused

Vs

The State rep. by
The Inspector of Police,
District Crime Branch,
Pudukkottai.
Crime No.10 of 2019.

...Respondent/Complainant

For Petitioner :Mr.B.Janath Ahmed @ B.Jnarth Kumar,
Advocate.

For Respondent :Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offence punishable under sections 120(B), 406, 420 and 506(i) IPC, in Crime No.10 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has paid a sum of Rs.16,20,000/- for purchasing Paper Bag Machine to the accused persons. After receipt of the entire amount, the accused persons did not supply any Paper Bag Machine and also threatened the defacto complainant with dire consequence, when he questioned the same. Hence, the case has been registered.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the



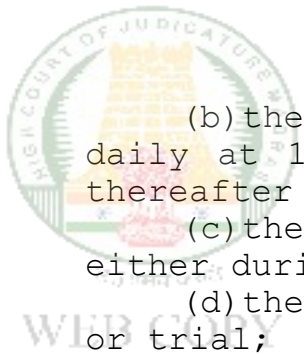
4.The learned counsel appearing for the petitioner submitted that the petitioner is arrayed as A3. The entire amount was transferred through the A1 and A2 Bank account, but the defacto complainant roped the petitioner as being the brother of A1. Therefore, he is nothing to do with the offence as alleged by the prosecution. He further submitted that to show his *bona fide*, the petitioner is ready and willing to deposit substantial amount to the credit of Crime No.10 of 2019 on the file of the learned Judicial Magistrate No.II, Pudukkottai.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there are totally five accused, in which, the petitioner is arrayed as A3, who is none other than the brother of the first accused and he is the Manager of their Company namely M/s.Rite Machineries situated at Pudukkottai. After receipt of a sum of Rs.16,20,000/- they induced the defacto complainant to purchase the Paper Bag Machine and received the amount and thereafter they failed to supply the machine, as agreed by them. Thereby, they cheated the defacto complainant to the tune of Rs.16,20,000/-. Insofar as the petitioner is concerned, he also equally responsible to other accused for cheating the defacto complainant.

6.It is seen that there are totally five accused, in which the petitioner is arrayed as A3. All the accused are running the Paper Bag Manufacturing Machine Company in the name and style of M/s.Rite Machineries situated at Pudukkottai and received a sum of Rs.16,20,000/- from the defacto complainant. Thereafter, they failed to supply the Paper Bag Manufacturing Machine as agreed by them. However, the learned counsel submitted that this petitioner is ready and willing to deposit substantial amount.

7.Accordingly, the petitioner shall deposit a sum of Rs.4,00,000/- (Rupees Four lakhs only) to the credit of Crime No.10 of 2019 on the file of the learned Judicial Magistrate No.II, Pudukkottai within a period of two weeks from the date of receipt of copy of this order and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Pudukkottai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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



(b)the petitioner shall report before the respondent police daily at 10.00 a.m., without fail, for a period of Two Weeks and thereafter as and when required for interrogation;

(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]; and;

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

sd/-

04/12/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

+1CC to M/s.B.JANATH AHMED @ B.JNARTH KUMAR, Advocate (SR-7965[I]
dated 08/12/2020)

ORDER IN

CRL OP(MD) No.13717 of 2020

Date :04/12/2020

VSD

<https://hservices.ecourts.gov.in/hservices> SRS/SMA/SAR-II/11.12.2020/3P/6C