



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.4880 of 2020

WEB COPY

1.Tabrezuddin
2.Mussadiq
3.Sameer

...Petitioners

Versus

State represented by
The Inspector of Police,
Triplicane Police Station,
Chennai.
(Crime No.93 of 2020)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in their event of arrest in Crime NO.93 of 2020 pending investigation on the file of the respondent.

For Petitioners : Mr.N.Edwin Jeyakumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 IPC in Cr.No.93 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant were business partners for selling China products in the name of M/s.Centre Point Private Ltd.,. As a part of their business agreement, 1st petitioner has to sell the china products of defacto complainant and share profits between them. However, the petitioners on getting products from the defacto complainant, has neither paid the money by selling the property nor returned the property and thereby he was cheated by the petitioners to the tune of Rs.23,00,000/- worth of stocks. Hence he lodged a complaint before the law enforcing agency.



3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that due to defective product of the defacto complainant, the 1st petitioner was not able to sell the products in the market and thereby, the said business has been shut down. Further he submits that if at all any violation of agreement, the defacto complainant has to work out his remedy before the competent Forum in the manner known to law. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that there is no previous case against the petitioners and the investigation is still pending.

5. Considering the nature of case and that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Metropolitan Magistrate No.II, Egmore, Chennai, 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 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(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]; and;



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

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-sd/-

21/06/2021

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 METROPOLITAN MAGISTRATE
NO.II, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
TRIPLICANE POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. N.EDWIN JEYAKUMAR Advocate on payment of necessary charges

CRL OP.4880/2020

Date :21/06/2021

RVR 15/07/2021