

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.5241 of 2021

T.Maheswaran

... Petitioner

Vs.

State by

The Inspector of Police,
City Crime Branch,
Tiruppur City, Tiruppur.
(Crime No.5 of 2021)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Crime No.5 of 2021 on the file of the Inspector of Police, City Crime Branch, Tiruppur City, Tiruppur..

For Petitioner : Mr.C.Prakasam

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 506(i) of IPC in Crime No.5 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Manager of the Ramakrishna Processing Mills. The petitioner is running Scandline Exports Business and he is one of the partners and there are so many business transactions between the complainant mill and the petitioner. The petitioner has paid a total sum of Rs.38,49,193/- to the defacto complainant's mill for dyeing processes in the past 4 years. Thereafter, a dispute arose between the defacto complainant's mill and the petitioner with regard to quantity and quality and thereby the petitioner refused to pay the amount. Hence, the case was registered.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. When the matter came up for hearing on the earlier occasion, the learned counsel for the petitioner has submitted that the petitioner is liable to pay only a sum of Rs.10,00,000/- to the defacto complainant and that he has already had paid a sum of Rs.5,00,000/- to the defacto complainant through the respondent police. Apart from that, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.2,00,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.2,00,000/- will be returned to him.

4.Heard the submissions made by the learned Government Advocate (Crl.Side).

5.Considering the fact that the petitioner is ready to deposit the amount of Rs.2,00,000/- to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.III, Tiruppur, Tiruppur District, 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 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Cr.No.5 of 2021 before the Judicial Magistrate No.III, Tiruppur, Tiruppur District within a period of four weeks from the date of receipt of a copy of this order . On such deposit being made, the learned Judicial Magistrate No.III, Tiruppur, Tiruppur District shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.2,00,000/- deposited by the petitioner to the credit of Cr.No.5 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, the trial court shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b)the petitioner 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;

(c)the petitioner shall report before the respondent police daily 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/ Trial Court is entitled to take appropriate action against the petitioner 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;

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

-sd/-

15/06/2021

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 JUDICIAL MAGISTRATE,NO.III,
TIRUPPUR, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUPPUR CITY, TIRUPPUR

CC to M/S.C.PRAKASAM Advocate on payment of necessary charges

CRL OP.5241/2021

Date :15/06/2021

RVR 09/07/2021



WEB COPY