

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.8878 of 2021

S.Ganesh Kumar

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
District Crime Branch,
Coimbatore
(Crime No.24 of 2020)

...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.24 of 2020 on the file of the respondent.

For Petitioner : Mr.B.Vasudevan

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 120-B, and 420 IPC. in Crime No.24 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there are totally seven accused involved in this case. The petitioner is arrayed as A2. The defacto complainant is the Administrative Director of A/s.ACME Fitness Private Limited Company. During May, 2020, A4 approached the defacto complainant by saying that they were running a company which is involved in importing Nitrile Gloves and supply to various parts of the country and after the meeting of A1 and A5, spoke with the defacto complainant and assured that they will fulfil the requirements of the defacto complainant. Believing the words of A1, A4, A5 and A7, the defacto complainant started working with the accused company and placed an order of 10 lakhs Gloves. It is alleged that on receipt of consignment of 2.9 lakhs, they found 68000 gloves were used one and the remaining packs contained less quantity and for this transaction, the defacto complainant paid a sum of Rs.1,09,31,200/-. When the defacto complainant asked for the shortage

gloves and damaged gloves, he was abused and threatened and ultimately cheated. Hence, the present complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that co-accused have already been arrested and thereafter they were released on bail. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.10,00,000/- 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.10,00,000/- will be returned to his.

4.Heard the submissions made by the learned Government Advocate (Cr1.Side).

5.Considering the fact that the petitioner is ready to deposit the amount of Rs.10,00,000/- 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Coimbatore, 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.10,00,000/- (Rupees Ten Lakhs Only) to the credit of Cr.No.24 of 2020 before the learned Judicial Magistrate No.VI, Coimbatore, 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.VI, Coimbatore, 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.10,00,000/- deposited by the petitioner to the credit of Cr.No.24 of 2020 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, 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/-

14/06/2021

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.VI, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to B.VASUDEVAN Advocate on payment of necessary charges

CRL OP.8878/2021

Date :14/06/2021

RVR 07/07/2021



WEB COPY