

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9414 of 2021

1.Swetha Gunda

... Petitioners

2.Abhiraj Mukherjee

Vs.

State Rep. By

... Respondent

The Inspector of Police,
E-1 Mylapore Police Station,
Chennai.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.257 of 2021 on the file of the respondent police.

For Petitioners: Mr.D.Dinesh

For Respondent : Mr.A.Damodaran
Government Advocate (Crl.Side)

For Intervenor : Mr.Sathyamurthy

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 420, 465, 468 and 506(2) of IPC in Crime No.257 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that 1st petitioner is the Managing Director of M/s.Amigait Technologies (OPC) Pvt. Ltd., and 2nd petitioner is a working partner in the company. The defacto complainant approached the petitioners to supply Surgical mask including N95 Respiratory Face Masks and Surgical Gloves and paid an advance of a sum of Rs.49,00,000/-. But the petitioners neither delivered the articles and nor returned the money. Hence, a case was registered against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners are ready to supply the mask as agreed with the defacto complainant and they have supplied the materials to the tune of Rs.27,00,000/-, but the defacto complainant refused to accept it and had given a false complaint against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel for the intervenor would submit that the defacto complainant had paid totally a sum of Rs.49,00,000/- (a sum of Rs.47,00,000/- has been transferred to the account of the petitioners and the Rs.2,00,000/- remaining amount has also been given by way of cash as advance) and this fact is admitted by the petitioner. He would further contended that as per the agreement the masks and other surgical articles were not supplied. Since, the quality of the face mask is not good, they refused to receive the surgical articles and the amount involved is more than Rs.45,00,000/-. _During Covid-19 pandemic situation, the quality of mask also is required to be good but it was not complied. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the defacto complainant ordered face mask and other surgical goods and paid an advance to the tune of Rs.49,00,000/-. But the petitioners neither delivered the articles and nor repaid the amount. Hence the complainant.

6. Considering the above fact and circumstances of the case taking note of the nature of offence and the amount involved in this case as well as conduct of petitioners, since the case is under the stage of investigation, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-
26/05/2021

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 INSPECTOR OF POLICE,
E-1, MYLAPORE POLICE STATION,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.DINESH Advocate on payment of necessary charges

CRL OP.9414/2021

Date :26/05/2021