

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

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

Crl.O.P.No.10952 of 2021

1.Swetha Gunda

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
E-1 Mylapore Police Station,
Chennai.
(Crime No.257 of 2021)

... Respondent

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.C.P.Hemkumar

For Respondent : Mr.L.Baskaran

Government Advocate (Crl.Side)

For Intervenor : Mr.Sathyamurthy

ORDER

The petitioner, who apprehends 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, seeks anticipatory bail.

2. The case of the prosecution is that is the Managing Director of M/s.Amigait Technologies (OPC) Pvt. Ltd. The defacto complainant approached the petitioner 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 petitioner neither delivered the articles and nor returned the money. Hence, a case was registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is 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 petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

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 petitioner 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, he 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 petitioner.

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 petitioner neither delivered the articles and nor repaid the amount. Hence the complaint.

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 petitioner and that the investigation yet to be completed and as also considering the fact that there is no change in circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

06.07.2021

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order

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To

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

2. The Public Prosecutor,
Madras High Court,
Chennai.

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T.V.THAMILSELVI, J.

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