



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.11723 of 2021

WEB COPY

1. Binu C. Mani
2. Biju C. Mani
3. Saju P. Varghese

... Petitioners

Vs.

State Rep by the
Station House Officer,
Mettupalayam Police Station,
Puducherry.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to grant anticipatory bail to the petitioners in the event of her arrest in Crime No.31 of 2018 pending investigation on the file of the respondent.

For Petitioners : Mr.Thomas M. Jacob

For Respondent : Mr. V. Balamurugane
PP(Puducherry)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420 and 34 of I.P.C in Crime No.31 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is a Managing Director and second and third petitioners are Directors of a Private Limited Company by name Rotogravure Printers Private Limited. It is alleged that the defacto complainant supplied goods to the company and there was an outstanding of Rs.29,30,237/- and when the defacto complainant demanded the outstanding money, the petitioners failed to settle the amount. Hence the law enforcing agency registered the case against the petitioners.

3.The learned counsel appearing for the petitioners submits that the defacto complainant had not supplied the goods, which was ordered by the petitioners and there was some variation in it. He further submits that no amount was due or payable to the defacto complainant.



The learned counsel for the petitioners on instructions submits that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.10,00,000/- to the credit of the crime number 31 of 2018 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 petitioners succeeding the case, the amount of Rs.10,00,000/- will be returned to the petitioners

4.The learned Government Advocate (Crl.Side) submits that the petitioners after receiving the goods from the defacto complainant, failed to pay the amount and thereby cheated the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the submission so made by the learned counsel on either side and further the petitioners, on his own volition, is ready and willing to deposit Rs.10,00,000/- to the credit of the above Crime No., this Court is inclined to grant anticipatory bail to the petitioners with some stringent conditions.

6.Accordingly, the petitioners are 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.1V, Puducherry, 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 shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) jointly to the credit of Crime No.31 of 2018 within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made the same shall be disbursed to the defacto complainant by the learned Judicial Magistrate, No.1V, Puducherry after obtaining an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.10,00,000/- paid to him by the petitioners will be returned to the petitioners.

(b) the final order in respect of the said deposit shall passed by the learned trial Judge at conclusion of trial.

(c)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;



(d) the petitioners shall report before the respondent daily at 10:30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) 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;

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

-sd/-

14/07/2021

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, IV, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR, PUDUCHERRY

4 STATION HOUSE OFFICER,
METTUPALAYAM POLICE STATION, PUDUCHERRY.

CC to M/S. THOMAS M. JACOB Advocate on payment of necessary charges Sr. 7377

CRL OP. 11723/2021

Date : 14/07/2021

RVR 26/07/2021