



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.12499 of 2021

Pandurangan

... Petitioner

Versus

State Rep. by
The Sub Inspector of Police,
Sipcot Police Station,
Ranipet, Ranipet District.
(Cr.No.413 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent Police in Crime No.413 of 2021 on the file of the respondent Police.

For Petitioner : Mr.G.Jeremiah

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 416, 417 and 420 IPC in Cr.No.413 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 HR Manager of M/s.Vels Casting Private Limited, Ranipet, dealing in the manufacturing of parts for the motor vehicle and selling it to the Vehicle Manufacturing Company. The defacto complainant had entered into contract with the petitioner's company for finishing process. During the course of manufacturing of parts, the defacto complainant sent unfinished parts to the petitioner's company for finishing process, however the same was not returned back to the defacto complainant, on the other hand, the said parts were identified by the defacto complainant in some other companies. Due to which the defacto complainant has lodged a complaint and hence, the Law Enforcing Agency has registered a case against the petitioner.



3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner had done the job work to the utmost satisfaction of the defacto complainant. He had already completed huge works to the defacto complainant, however the payments were not made for the same. In spite of repeated request to clear the dues, the defacto complainant has failed to settle the dues and with no other option, the petitioner has stopped the job work and on part payments from the defacto complainant, the petitioner did the job work and still the due amount was accumulated to the tune of Rs.35 lakhs. When the defacto complainant asked for settlement of dues, the contract has been terminated. In furtherance to the same, the petitioner has also issued letter of demand to the defacto complainant, demanding the due amount, however there was no response from the defacto complainant. The learned counsel further submitted that this criminal case has been wrongly foisted against the petitioner only to evade the payment of Rs.35 lakhs to the petitioner. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that there is no previous case against the petitioner.

5. A perusal of the E-mail communication in between the parties reveals that the petitioner is also having grievance against the defacto complainant and further considering the fact and circumstances of the case, 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 District Munsif cum Judicial Magistrate, Ranipet, 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 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;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioner shall not abscond either during investigation or trial;

(e) 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 petitioner 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;

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

-sd/-
20/07/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, RANIPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE,
SIPCOT POLICE STATION, RANIPET,
RANIPET DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. G. JEREMIAH Advocate on payment of necessary
charges S.R. NO. 7612

CRL OP.12499/2021

Date :20/07/2021

JPA 29/07/2021