



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15255 of 2021

R.M.JAYAPRAKASH

[ PETITIONER / ACCUSED ]

Vs

THE STATE REP.BY  
THE STATION HOUSE OFFICER,  
DISTRICT CRIME BRANCH,  
VILLUPURAM.  
FIR NO.23 OF 2021

[ RESPONDENT ]

For Petitioner : M/S.V.RAGHAVACHARI Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate ( Crl. Side)

For Intervenor : M/S.M.ARPAAJI CHARLES KAMALESH Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 420 of IPC in Cr.No.23 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant had supplied diesel to Balaji Enterprises to the tune of Rs.15 Crores. The petitioner along with other accused persons have paid a sum of Rs.14,03,00,000/- and the balance amount of Rs.2,47,98,000/- was not repaid. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The company viz., Balaji Enterprises run by three partners including the petitioner. The learned counsel fairly submitted that the defacto complainant supplied the goods only to the second accused. There was no transaction between the defacto



complainant and this petitioner. The petitioner has been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the defacto complainant submitted that though the entire goods were supplied in the name of Balaji Enterprises, in which, the petitioner is also a major partner. When the defacto complainant asked about the balance payment, the petitioner has threatened the defacto complainant with dire consequences and hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. side) submitted that investigation is still pending and hence, he opposed to grant anticipatory bail to the petitioner.

6. On perusal of FIR, it is seen that there is a commercial transaction between the defacto complainant and A2 and there is no allegation for the supply of the goods in favour of the petitioner and A2. Considering the facts and circumstances of the case and the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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, Villupuram, 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/-  
03/09/2021

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,  
VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
VILLUPURAM [FOR INFORMATION].

3 THE STATION HOUSE OFFICER,  
DISTRICT CRIME BRANCH,  
VILLUPURAM.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S. V.RAGHAVACHARI Advocate on payment of necessary charges SR.NO. 9569

CRL OP.15255/2021

Date :03/09/2021

JPA 20/09/2021