



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24656 of 2021

T.M.Maran

... Petitioner

Versus

State represented by,
The Inspector of Police,
Mangadu Police Station, Chennai.
(Crime No.1052 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner in the event of arrest pending investigation in Crime No.1052 of 2021 on the file of respondent police.

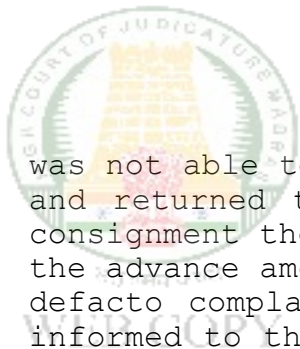
For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 341, 294(b), 324, 506(ii) of IPC r/w 379 IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.1052 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has lodged a complaint on 07.12.2021 that she is running a enterprises in M/s.Vishal Enterprises which is a stockiest of various food items. While so during the month of September 2021 the Managing Director of M/s.Nellai Foods & Shine Marketing the petitioner have approached the defacto complainant and had a business talks. Since the business talks got realized the defacto complainant has transferred a sum of Rs.3,00,000/- complainant received a consignment bearing Invoice No.42 dated 25.09.2021, Invoice Value Rs.1,56,497/- being Nova Rusk. The defacto complainant alleges that due to defents in the consignment she



was not able to sell the products, hence she has called the petitioner and returned the entire consignment. At the time of returning the consignment the petitioner gave a cheque to sum of Rs.3,00,000/- being the advance amount paid by the defacto complainant. On deposit by the defacto complainant the said cheque was returned, when the same was informed to the petitioner, he asked the defacto complainant to visit their office to collect the said sum of Rs.3,00,000/-. On 06.12.2021 the defacto complainant, her husband along with cheques officer visited the office of the petitioner, the petitioner along with others came with iron rod and attacked the defacto complainant husband and taken away a sum of Rs.12,500, 3-1/2 sovereign of gold ornament and one mobile phone. The petitioner along with others have locked the main gate of the building. Only after the police arrived the defacto complainant and others were relieved and only the mobile of the defacto complainant husband was returned. Hence the case.

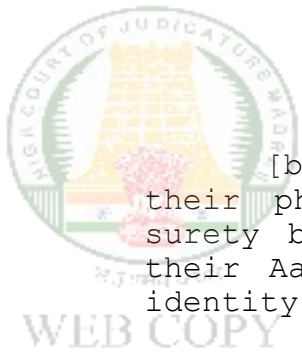
3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that with regard to sending of the goods there was a money transaction and dispute arose and out of the wordy quarrel the alleged occurrence was lodged. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Sriperumpudur, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of the Crime number 1052 of 2021 within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.



[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner is directed to report before the respondent police on every Saturday at 10.30 a.m., until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 anticipatory 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
16/12/2021

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,
SRIPERUMPUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].



3 THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S K.BALASUBRAMANIAM Advocate on payment of necessary
charges SR.NO.14920

CRL OP.24656/2021

Date :16/12/2021

JPA 21/12/2021