



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23.09.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.13889 of 2021

Bharathi Rajagopalan

... Petitioner/Accused

Vs

1.The State rep.by
The Superintendent of Police,
Office of Superintendent of Police,
Tenkasi District,
Tenkasi.

2.The Inspector of Police,
Halasuru Police Station,
Bangalore City,
Karnataka State,

3.The Inspector of Police,
Sambavar Vadakarai Police Station,
Tenkasi,
Tenkasi District.

... Respondents/Complainant

For Petitioner : Mr.S.PANNEERSELVAN, Advocate

For Respondent : Mr.P.KOTTAI CHAMY

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.210 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is apprehending arrest for the alleged offence under Sections 406, 420, 120(b) and 506 r/w 34 IPC in Crime No.210 of 2021 on the file of the second respondent, the Inspector of Police, Halasuru Police Station, Bangalore City, Karnataka State and therefore, sought for grant of Inter-State Anticipatory Bail.

2.The allegations against the petitioner is that the petitioner is supplying oxygen concentrators. On 30.07.2021, the defacto complainant requested for supply of oxygen concentrators and transferred 70% of payments and this petitioner shipped oxygen concentrators on 26th and 27th August 2021, but it was withheld at Doha Airport due to non payment of air charges and hence, the case came to be registered.



3. Learned Counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. He prays for grant of interim anticipatory bail for a limited period, so as to enable the petitioner to approach the jurisdictional Court to get regular bail.

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4.A Division Bench of this Court in the decision reported in **1992 LW (Cr1) 475, [S.P.Shanthi Swaroop and Others v. State of Tamil Nadu]**, after considering several judgments delivered by various High Courts, has held that in respect of persons, who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court, irrespective of the fact that they are residents of the place over which this Court was having jurisdiction, this Court can grant them Anticipatory Bail for a limited period and direct the concerned persons to move the Court, which is having regular jurisdiction over the matter in the meantime. The relevant portion in the said judgment reads as follows:

"The High Court or the Court of Session has got power under Section 438, Cr.P.C., to grant Anticipatory Bail irrespective of the local ...of the commission of the offence. In other words, in respect of persons, who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court irrespective of the fact that they are residents of the place over Anticipatory Bail. However, we wish to observe that while granting Anticipatory Bail, this Court has to restrict the relief for a limited period and to direct that concerned persons to move the Court which is having jurisdiction over the matter in the meantime and also impose such condition so as to make the Petitioners available for interrogation by the concerned Police in the meantime."

5.Considering the facts and circumstances of the case and in view of the decision referred to supra, without expressing any opinion with regard to the merits of the case, this Court is inclined to grant Inter-State Anticipatory Bail to the petitioner, enabling him to move the concerned Court of jurisdiction for Anticipatory Bail.

Accordingly, Anticipatory Bail is granted to the petitioners for a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to be enlarged on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Tenkasi, on executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 within the said period of four weeks, the petitioner shall appear before the concerned Court of jurisdiction and move for Anticipatory Bail before the said Court.

7. In fine, this criminal original petition is allowed in the above terms.

sd/-
23/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE, TENKASI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE SUPERINTENDENT OF POLICE,
OFFICE OF SUPERINTENDENT OF POLICE,
TENKASI DISTRICT, TENKASI.
- 4.THE INSPECTOR OF POLICE,
HALASURU POLICE STATION,
BANGALORE CITY, KARNATAKA STATE,
- 5.THE INSPECTOR OF POLICE,
SAMBAVAR VADAKARAI POLICE STATION,
TENKASI, TENKASI DISTRICT.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 cc to Mr.S.PANNEERSELVAN, Advocate, SR.No.6555

ORDER IN

CRL OP(MD) No.13889 of 2021
Date :23/09/2021

MK/SKN/SAR.IV/04.10.2021/3P/8C