



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Third day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.3444 of 2022

MOHAMED ZAHIR HUSSAIN
PROP.M/S.AYSHA EXPORTS

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
EDF-1, CCB TEAM-II,
VEPERY, CHENNAI.
CRIME NO.240 OF 2021

[RESPONDENT]

For Petitioner : M/S.H.ARIF ALI Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

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

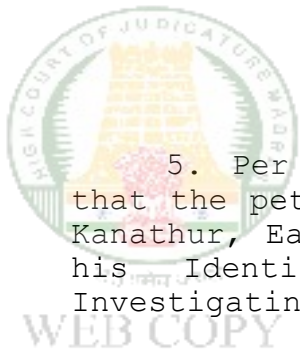
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 406 & 420 r/w section 34 of IPC in Crime No.240 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. On perusal of the FIR and the materials produced by the learned Government Advocate (Crl. Side), the case of the prosecution is that in respect of the sales of swarna white rice, the petitioner herein has received an advance amount from the defacto complainant but it is alleged that there was no supply of full quantity as agreed and other allegation against this petitioner is that, he is with an intention to cheat the defacto complainant for which he had entered into an sale agreement and received the money from the defacto complainant and thereby cheated him.

3. The petitioner herein who received summons under Section 41A of Cr.PC from the respondent police instead of appearing for enquiry before the respondent police the petitioner had approached this Court seeking for anticipatory bail.

4. The learned Government Advocate(Crl. Side) submits that the petitioner herein has given fake ID proof and fake Address proof so that he could not be traced easily.



5. Per contra, the learned counsel for the petitioner submits that the petitioner is carrying on a business at No.E-3, GLV Square, Kanathur, East Coast Road, Chennai and he is ready to furnish all of his Identification Proof and residential proof before the Investigating Officer and cooperate with the investigation.

6. In view of the above submissions made by the learned Counsels on either sides, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall appear before the respondent police from 08.03.2022 and continue to appear till the completion of the investigation and further he should furnish a copy of his Voter ID, Passport, Family Card and Bank Pass Book details to the investigating officer, so that his place of residence could be easily identified.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the XIII Metropolitan Magistrate, Egmore, Chennai on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- each (Rupees One Lakh 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 his 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer daily at 10.00 a.m., until further orders.

(d) the petitioners 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 petitioners in accordance with law as if the conditions has 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;



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

-sd/-

03/03/2022

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 XIII METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
EDF-1, CCB TEAM-II,
VEPERY, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.H.ARIF ALI Advocate on payment of necessary charges
Sr.3370

CRL OP.3444/2022

Date :03/03/2022

RVR 14/03/2022