



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3736 of 2022

1 N.RAMALINGAM
2 PRIYA

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
K-6, TP CHATHIRAM POLICE STATION,
CHENNAI.
CR NO.289/2021.

[RESPONDENT]

For Petitioner : M/S.R.RADHA PANDIYAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections **406 and 420 of IPC**, in Crime No.289 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who was doing trading business in the name of 'Sigma Trading' and the petitioners herein, who are the father and daughter, respectively, manufacturing 'Perfume Incense Sticks' (Agarbatti), were doing their business jointly from 2017, wherein the defacto complainant invested money in advance, through his firm and the petitioners were manufacturing the Agarbattis. During the middle of July and August 2021, the defacto complainant has invested Rs.33 Lakhs to the petitioners, for purchasing raw materials and producing Agarbattis. As the goods agreed to upon were not delivered, the defacto complainant has lodged a complaint before the respondent police. Hence, the respondent police registered a case against the petitioners.



3. The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. She would further submit that the petitioners and defacto complainant are having business transaction from the year of 2017 onwards. It is her specific submission that in the course of business transaction, dispute arose between the petitioners and the defacto complainant and as a result of which, the present case has been registered against the petitioners. Hence, she prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police stating that investigation is pending, opposed for grant of anticipatory bail to the petitioners.

5. Considered the submissions made by the learned counsel on either side.

6. The averments found in the FIR would reveal the fact that the petitioners and the defacto complainant are having relationship as a manufacturer and purchaser. It was specifically stated in the FIR that after the receipt of Rs.33 lakhs, from the defacto complainant, the petitioners have not produced the materials (Agarbatti) as agreed by them. Therefore, the said averments shows that the transaction happened between the petitioner and the defacto complainant is a business transaction and accordingly, custodial interrogation may not be necessary for completing the investigation in this case. Hence, taking into consideration all these aspects and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioners

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Metropolitan Magistrate No.V, Chennai**, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners 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 petitioners shall report before the respondent police daily at 10.00 a.m., until further orders.**



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

(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 have 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/-

17/02/2022

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.

1 THE METROPOLITAN MAGISTRATE,
NO.V, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-6, TP CHATHIRAM POLICE STATION,
CHENNAI.

+1 CC to M/S.R.RADHA PANDIYAN Advocate on payment of necessary charges SR.NO.2526

CRL OP.3736/2022

Date :17/02/2022

TA-21/02/2022