



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

Monday, the Fourteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.5134 of 2022

BHARAT SING

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE STATION HOUSE OFFICER,
GRAND BAZAAR POLICE STATION,
PUDUCHEERY
(CRIME NO.257/2021)

[RESPONDENT]

For Petitioner : M/S.M.NAGOORMOIDEEN Advocate

For Respondent : Mr.V.Balamurugane Public Prosecutor for Pondicherry

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 Section 420 of IPC in Crime No.257 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had cheated the defacto complainant to deliver the ready made garments, due to which, the defacto complainant deliver an amount of Rs.1,00,000/- to the petitioner through googlepay. Hence the complaint.

3. The allegation found in the complaint indicates that, it is purely commercial transaction wherein the de facto complainant who placed an order for Rs.10,00,000/- did not get goods delivered by the petitioner herein who acted as a commission agent.

4. The learned counsel appearing for the petitioner submits that the de facto complainant failed to pay full amount for the goods and advanced only Rs.1,00,000/- goods worth, the said amount was delivered to him on 13.10.2018 and there was no further payment made by the de facto complainant.



5. In view of the above fact and also considering the date and nature of the transaction, this Court is of the view that custodial interrogation of the petitioner is not required, if the petitioner co-operate in the investigation without tampering the evidence. Hence, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Chief Judicial Magistrate Court, Puducherry, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/-only (Rupees Fifty 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 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 as and when required for interrogation.

(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 has 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/-

14/03/2022

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.



1 THE CHIEF JUDICIAL MAGISTRATE
COURT, PUDUCHERRY

2 THE PUBLIC PROSECUTOR
PUDUCHERRY

3 THE STATION HOUSE OFFICER,
GRAND BAZAAR POLICE STATION,
PUDUCHEERY

CC to M/S.M.NAGOORMOIDEEN Advocate on payment of necessary
charges Sr.4031

CRL OP.5134/2022

Date :14/03/2022

RVR 18/03/2022