



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6844 of 2022

1 KEERTHIKUMAR
2 SATHYA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DCB POLICE STATION,
SALEM DISTRICT.
(CRIME NO.1/2022)

[RESPONDENT]

For Petitioner : M/S J.FRANKLIN Advocate

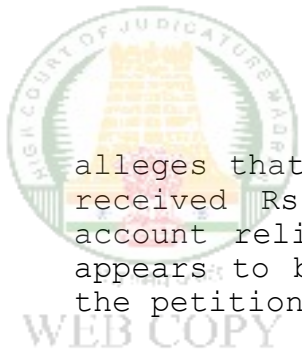
For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners herein apprehending arrest for the offences under Sections 406 and 420 of I.P.C., in Crime No.1 of 2022, seeks anticipatory bail.

2. The defacto complainant who is the manufacturer of drugs has given a complaint alleging that the petitioners herein have defaulted in payment to a tune of Rs.45,63,356/- in connection with an export of drug to Kenya. From the complaint, it appears that the petitioners herein has acted as agent to the defacto complainant for the foreign trade. In the course of transaction, they were maintaining a mutual account and there is a dispute regarding the final payment. While the petitioners herein states that the defacto complainant has breached the agreement and directly supplied to the customers at Kenya. To avoid payment of commission and also not paid 10% commission due to the petitioner. The defacto complainant



alleges that, out of goods sold to a tune of Rs.1,37,800/-, they have received Rs.77,266.65/- from the petitioners. The statements of account relied by the petitioner even in the FIR on the face of it appears to be a civil dispute. Therefore, custodial interrogation of the petitioners is not required.

3. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.6, Salem, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakhs only), each with two sureties 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 Investigating Officer/respondent police as and when required for interrogation.

(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 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]; and;

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

-sd/-

30/03/2022

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 JUDICIAL MAGISTRATE,
NO.VI, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DCB POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S J.FRANKLIN Advocate on payment of necessary charges
SR.NO. 4869

CRL OP.6844/2022

Date :30/03/2022

RW 04/04/2022