



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12698 of 2022

P.TAMILARASI

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CCB I, EGMORE,
CHENNAI-600008.
CR.NO.58 OF 2022.

[RESPONDENT]

For Petitioner : M/S.K.VENKATESWARAN Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409 and 420 of IPC, in Crime No.58 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is carrying on business under the name and style of M/s.Ellipse Endorse. The nature of the business is to manufacture materials for the foreign buyers from Indian Market and supply the materials to the foreign buyers as per the specifications and demand of the foreign buyers. It is further alleged that the petitioner would neither supply the goods nor return the money. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner even after the registration of FIR, purchased packing materials to the tune of 21 lakhs and directed one of the sugar manufacturers to supply the sugar. One container already supplied by him was duly received by the defacto complainant. So far as the other containers are concerned, it is about to reach the defacto complainant. He also produced invoices with regard to the



purchase of packing materials to pack the sugar and she is ready and willing to deposit reasonable amount as directed by this Court without prejudice to her right of defence. He would further submit that the petitioner is ready to deposit a sum of Rs.20,00,000/- (Rupees Twenty lakhs only) to the credit of Crime No.58 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is having one previous case as against her and hence, opposed for grant of anticipatory bail to the petitioner.

5. That apart, during the investigation found that the petitioner is a proprietor of M/s.Ellipse Endorse and they are also supplying in low price. On coming to know about this, the defacto complainant had contacted the petitioner and placed order for supply of 42 thousand tonnes of sugars. In this regard, the defacto complainant transferred to the tune of 94,825 USD, INR Rs.78 lakhs through bank transaction.

6. Considering the above facts and circumstances, the custodial interrogation of the petitioner does not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.20,00,000/- (Rupees Twenty lakhs only) to the credit of Crime No.58 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate-I, Poonamallee on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.20,00,000/- (Rupees Twenty lakhs only) to the credit of Crime No.58 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.



[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not absconds either during investigation or trial.

[g] 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 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

23/06/2022

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 THE JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB I, EGMORE, CHENNAI.

+1 CC to M/S.K.VENKATESWARAN Advocate on payment of necessary charges SR.NO.9982

CRL OP.12698/2022

Date :23/06/2022

TA-29/06/2022