

**Crl.OP.No.14890 of 2022**

M.DHANDAPANI,J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420 and 506(ii) of IPC in Cr.No.23 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there are two accused involved in this case and the petitioner is arrayed as A1. The defacto complainant is one Karthikeyan and he is running a Industrial Petrol Chemical Agency in the name of M/s.Siva Sakthi Enterprises and this petitioner introduced himself with the defacto complainant and stated that he has running a ESSER Petroleum outlet and also doing contract works in partnership with one A2 in the name and style of M/s.Sri Balaji Enterprises, Chennai and also he has running many business and A1 approached the defacto complainant in the year 2019 and requested to supply such product regularly. On believing the words of A1, the defacto complainant has supplied the petrol chemical products to M/s.Sri Balaji enterprises right from November 2019 and issued bills and invoices in the above said



enterprises. Initially, M/s.Sri Balaji Enterprises was regularly settling the bills and thereafter, the above said enterprises not paying all the amounts for the said supply and totally Rs.2,47,98,000/- is outstanding amount from the said enterprises. When the defacto complainant asked the accused persons to settle the outstanding dues, they were threatened him with dire consequences and till date, they were not paid any amount. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that this is the third bail application of the petitioner. The petitioner is an innocent and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. As per FIR, the defacto complainant stated that A1 is introduced A2 and so that reason the defacto complainant sent the petrol Chemicals Material to A2. But the defacto complainant has not made any transaction with A2 for the past two years and it was not known to A1 and moreover, A1 is not partner in Shri Balaji Enterprises. However, without prejudice to his defence, the petitioner is ready to pay the amount of Rs.4,00,000/- in crime number within a period of four weeks from the date of receipt of a copy of this order and the said amount may be



disbursed to the defacto complainant after obtaining appropriate affidavit.

Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl side) appearing for the respondent submitted that if the petitioner is ready to pay the aforesaid amount to the defacto complainant, he has no objection to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and the petitioner is ready to pay some amount to the defacto complainant and also of the fact that the major part of the investigation is over, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of six weeks from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Villupuram** 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 and on further condition that:

WEB COPY (b) the petitioner is directed to deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) by way of Demand Draft to the credit of Crime No.23 of 2021, before the learned Judicial Magistrate, Villupuram without prejudice to his defence before the trial Court within a period of six weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the Demand Draft, shall accept the sureties furnished by the petitioner. Thereafter, the learned Judicial Magistrate is directed to disburse the amount to the defacto complainant on filing an appropriate undertaking affidavit before the trial Court. If the petitioner succeeds in his case, the defacto complainant shall return the amount to the petitioner, which will be withdrawn by him.

(c) the petitioner 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned



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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;

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

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