



Crl.OP.No.18823 of 2022

Crl.O.P.No.18823 of 2022

WEB COPY

G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 406, 420, 294(b), 506(i) and 409 IPC in Crime No.490 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the proprietor of M/s.Surgitech Corporation and first petitioner is the proprietor of M/s.Surgiwear Medcare. They were all engaged in production, distribution and sale of medical equipments. During the course of business, the defacto complainant paid a sum of Rs.10,00,000/- for supply of medical equipments, for which, the petitioners had delivered the products worth about Rs.6,20,000/- and failed to supply goods for the remaining amount. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the



Crl.OP.No.18823 of 2022

prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the allegation against the petitioners is that they failed to supply goods for the remaining amount of Rs.3,80,000/-. He further submitted that there is one previous case pending against the petitioners. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of this case, it appears to be business transaction between the petitioners and the defacto complainant. Therefore, this Court finds that the custodial interrogation of the petitioners need not require. Hence, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:-

6. 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 on which the order copy made ready, before the



Crl.OP.No.18823 of 2022

learned XIII Metropolitan Magistrate, Egmore on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court



WEB COPY



CrI.OP.No.18823 of 2022

G.K.ILANTHIRAIYAN, J.

Anu

himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

10.08.2022

Anu

CrI.O.P.No.18823 of 2022