



Crl.O.P.No.19823 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 and 506(i) of IPC in Crime No.82 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners approached the defacto complainant who is the Proprietor of M/s. Sai Divine Mining Pvt Limited for exporting granite stones business to China through M/s.Vignesh Exports/Petitioners company, by investing money for the business and the profit sharing will be 30% and 70% for the companies respectively. Thereby, the defacto complainant's company started granite export business to the tune of Rs.2,26,11,346/- , in respect of the same, money transaction of Rs.95,69,785/- has been done in defacto complainant's company account from abroad and Rs.1,30,41,561/- is due, for which, the petitioners has given a cheques for a sum of Rs.75,00,000/- and Rs.20,00,000/- respectively. Thereafter, the petitioners instructed their bank to stop payment for the said cheques, the same was questioned



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by the defacto complainant, the petitioners threatened and cheated the defacto complainant.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He would further submit that even after snapping ties in exporting granites in the year 2015 itself, the said shankar has illegally took the assistance of the petitioners' employee viz., Sathish Chander, stationed at China by diverting the petitioners clients by illegally stayed at his official home at China and on questioning the same, the defacto complainant threatened the petitioner with dire consequences. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the Intervenor would submit that the defacto complainant was cheated and threatened by the petitioners. Hence, he strongly opposed to grant anticipatory bail to the petitioners.



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5. The learned Government Advocate (Crl.Side) would submit that the directions was issued under Section 156(3) of Cr.P.C,

6. On perusal of the records reveals that the directions was issued under Section 156(3) of Cr.P.C, the present FIR has been registered in Crime NO.82 of 2022 on the file of the respondent police. However, the case of the petitioners is that on 07.01.2020, the defacto complainant sought the petitioners assistance based on the agreement dated 30.08.2014 for exporting granite business, As per the said agreement, the defacto complainant has to invest and share a profit. Further, the defacto complainant with the help of one of the petitioner's employee exported granites to China. Infact, there was money transaction was taken place, in which, the cheque was presented by the defacto complainant and on receipt of the statutory notice, the petitioner has issued reply notice on 24.01.2020. Therefore, the present complaint has been lodged.



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7. Considering the above fact and circumstances of the case and also considering the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 ***learned Judicial Magistrate-I, Poonamalle*** on condition that the petitioners shall execute separate bonds 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.



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[b] the first 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 and the second and third petitioners shall report before the respondent police as and when required for interrogation.

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

[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 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]**.

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

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