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Crl.O.P.No.6337 of 2023

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Reserved On	07.09.2023
Pronounced On	13.09.2023

RMT.TEEKAA RAMAN, J.

Imported apple fraud case. The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 406, 420, 506(i) of IPC, in Crime No.03 of 2023, seek anticipatory bail.

2. When the matter is taken up today, learned Government Advocate (Crl.side) stated that 1st petitioner/A1 is already arrested. In view of the submission made, as far as the 1st petitioner is concerned, this petition is dismissed as infructuous.

3. The 2nd petitioner/Durgapriya is the wife of the A1 and she is arrayed as A2.

4. The case of the prosecution is that on 31.05.2022, the *de-facto* complainant namely Ramesh S/o. Kirubalani made a complaint before the respondent police stating that the petitioners are Doctors in Chennai and also they are running a consultancy services name and style of ICEBERG QUAULITY CONSULTANCY SERVICES situated at Dr.Subrayan Street,



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Kodambakkam, Chennai. The *de-facto* complainant is also running a company Viz., VARAM EXPORTSS at Coimbatore. In such circumstances, the 1st petitioner received a sum of Rs.24,60,000/- from the *de-facto* complainant for Stand by Letter of Credit (SBLC). Subsequently, the petitioners approached the *de-facto* complainant and requested to pay the money sum of Rs.1,00,00,000/- (One Crore) for clearance of five Appeal Container sent by Rayushka Fresh Agro Farms LTD, Turkey. On believing words of the 1st petitioner, the *de-facto* complainant transferred a sum of Rs.1,00,00,000/- to the petitioners' consultancy account. Later on, the petitioners issued a Proforma Invoice INV -000337 and INV 000339.) Subsequently, there was no reply from the petitioners and when the *de-facto* complainant approached the petitioners for refund of amount, they threatened him with dire consequences. Hence, the complaint.

5. The learned counsel for the petitioners would submit that A1 and the *de-facto* complainant have invested Rs.1,25,00,000/- on 16.03.2022 and 29.04.2022 and the *de-facto*



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complainant has got Rs.25,00,000/- on business rotation and he has converted the investment amount as debit money and fixed 5% for per mensum and a false case has been foisted against her merely because the 2nd petitioner is the wife of A1 and she is no way connected with the office affairs of the A1. Hence, he seeks anticipatory bail for the 2nd petitioner.

6. According to the learned counsel for the intervenor, A1 & A2 are running a business in the name and style of Iceberg Quality Consultancy Services Pvt Ltd and they had received money from the *de-facto* complainant for importing five containers of apples to his Varam Exportss Company. After receiving the money, they didn't import anything and also refused to return the money. They had also threatened to kill the *de-facto* complainant.

7. The learned Government Advocate (Crl.side) produced the CD file and the investigation so far carried out in this case and as per the Registrar of Companies ledger, the 2nd petitioner is shown as a business Director. The copies have been seized by the investigation officer. Admittedly, earlier anticipatory bail application



has been filed and it was dismissed as withdrawn on 28.03.2023.

8. From the submissions made by both the parties, I find that the 1st and 2nd petitioners are alleged to have been running a Company in the name and style of ICEBERG QUAULITY CONSULTANCY SERVICES and under the guise of getting Rs.5 Crores loan for the *de-facto* complainant, they have received a sum of Rs.24,60,000/- for Stand by Letter of Credit (SBLC) and also collected Rs.1 Crore for the clearance of the 5 containers sent by Rayushka Fresh Agro Farms Ltd., Turkey.

9. It is a specific allegation in the FIR that the accused have represented to the *de-facto* complainant that five containers containing imported apples from Turkey is ready for delivery and they have sought Rs.1Crore for the clearance of the same and the amount has been paid through bank transactions. However, neither the apples nor the money was returned. When he found that he was cheated on the ground of imported apple consignment being available at the Madras Harbour, resulted in the complaint. After perusal of the CD files, I find that the documents have also been



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collected from the Port Trust Harbour and also found that the representation made by the accused appears to be bogus.

10. Considering the fact that the matter is at preliminary stage and since the 2nd petitioner is found to be a business partner as per the information furnished by the Registrar of Companies and considering the overt act and also the *modus-operandi*, I am not inclined to grant anticipatory bail to the 2nd petitioner.

11. Accordingly, this Criminal Original Petition is dismissed.

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