



CrI.O.P.No.11425 of 2023

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K.KUMARESH BABU, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406 & 420 of IPC in Crime No.76 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is the Manager of M/s.Ferromet Steels, dealing with supply of steels and petitioners are partners of SSR Enterprises and M/s.Lavanya Traders. The petitioners approached the de-facto complainant's company on June 2020 to supply TMT bars on credit basis and advance payment of Rs.6,00,000/- was made on 09.06.2020 and they started supply of steels to petitioners. During November 2020, another company by name M/s.Lavanya Traders was incorporated by petitioners and at their request, TMT bars were supplied to that company by de-facto complainant. Till



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February 2021, TMT bars were supplied to a tune of Rs.60,82,145/- to both the companies. Despite repeated request by de-facto complainant, the petitioners did not pay the amount and the petitioners along with one Palanimurugan threatened him. Hence, the de-facto complainant made a complaint and FIR was registered. Hence, the case.

3. The learned counsel for the petitioners submitted that the 1st petitioner is running business in the name and style of M/s.SSR Enterprises and he received goods from the de-facto complainant for a total sum of Rs.1,97,35,910/- and he re-paid a sum of Rs.1,64,28,236/-. As per the request of de-facto complainant, the petitioner paid the balance amount of Rs.33,07,674/- by transferring funds to their sister concerns on various dates. The 2nd petitioner has nothing to do with the transaction and she has been falsely implicated in this case. The petitioners are ready to abide by



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any condition that may be imposed by this Court.

4. The learned counsel appearing for the intervener would submit that the petitioners did not re-pay the amount to the de-facto complainant and the averments made by them in this petition are false and vehemently opposed for granting anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police also opposed for grant of anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record.

7. Considering the fact that the transaction is business transaction, this Court is inclined to grant anticipatory bail to the



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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 Metropolitan Magistrate Exclusive trial of CCB & CBCID, Egmore**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) with **two sureties** 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 shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent



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police once in a week at 10.30 a.m. for a period of four 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 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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