



Crl.O.P.No.11895 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner seeks anticipatory bail in Crime No.09 of 2023, which had been registered by the respondent police for the offences punishable under Sections 420, 468, 471 r/w Section 66d of Information Technology Act.

2. The case of the prosecution is that the defacto complainant, a resident of Salem is carrying on business in importing quick lime and grime stone raw materials from Dubai and Phillipines. It had been stated that the petitioner herein/accused was the Manager of the Chartering Department of Sea Port Services Ltd., having office at Kolkata and West Bengal and he had contacted the defacto complainant and there was via media through which all communications were sent by the defacto complainant for import of grime stones from Phillipines. In this connection, a ship was also booked namely B.J.Queen and the said ship was recommended by the petitioner.



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3. According to the case of the prosecution, E-mails and correspondents were engaged in this regard. The defacto complainant had also paid 5200 USD, which amounted to Rs.42,42,680/- which was by bank transfer. It was also communicated to the present petitioner on 18.01.2023. While so, the defacto complainant was eagerly awaiting in Karaikal Port for arrival of the ship with grime stones. But however, it was later found that the said ship was never meant to come to Karaikal Port and it was on a chartered trip between Phillipines and Indonesia. It effectively meant that the defacto complainat did not get back the amount, which he had already paid namely 5200 USD and neither got grime stones, which was said to be expected to have been unloaded at Karaikal Port. It is under those circumstances, that the complaint had been lodged.

4. At the outset, it may also looked that the entire transaction is civil in nature and it is purely a contract between the petitioner and the defacto complainant but underlying it is a promise made by the petitioner herein that the grime stones would be imported from Phillipines, and also



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arranging a particular ship, which was never meant to come to Karaikal Port and was on a chartered trip between Indonesia and Phillipines, which is far away from Karaikal and the sea route also never touches Karaikal.

5. It is also seen that the petitioner had also induced the defacto complainant to invest and part with huge sum of 5200 USD.

6. In view of these facts, which have to be further investigated, this Court is not inclined to grant anticipatory to the petitioner. Accordingly, this criminal original petition stands dismissed.

05.10.2023

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