



Crl.O.P.No.13145 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 420 and 506(i) of IPC, in Crime No.1380 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was running a small business in the name of Elcon and she has purchased raw materials from the petitioner's company namely M/s. OM Gurudev Metal Company for a sum of Rs.4,40,618/-. After receipt of payment, the petitioner has not supplied the raw materials to the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that due to misunderstanding between the petitioner and the defacto complainant, a



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false complaint has been given. He would also submit that the date of occurrence is on 30.08.2021 whereas the complaint lodged on 29.09.2021, nearly after one month of time the defacto complainant lodged the complaint. He would further submit that now the entire amount has been settled to the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the defacto complainant, in order to purchase raw materials from the petitioner's company, has paid Rs.4,40,618/- to the petitioner and after receipt of such payment, the petitioner failed to supply the raw materials and thereby cheated the defacto complainant. He would further submit that the entire amount has been paid to the defacto complainant.

5. Taking into consideration the facts and circumstances and also taking note of the fact that the entire amount has been paid to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate - II, Ponneri**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 petitioner 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 petitioner shall appear before the respondent police as and when required for interrogation.



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[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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