



Crl.O.P.No.14516 of 2023

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 294(b), 506(i) and 420 of IPC, in Crime No.356 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/ Athul B Tanpuri is that he is a onion trader and he had sent onions worth Rs.9,92,459/- to the accused and the accused have received the onions and not paid the amount and when the defacto complainant had demanded the money, the accused had criminally intimidated him and also threatened him. Hence the case.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and a false complaint has been given. He further submitted that a case of the business transaction has been falsely projected as a case of cheating and criminal intimidation. He further submitted that it is true that the defacto complainant had supplied onions from Maharastra



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and the petitioners, as a commission agent, had asked him to deliver it to various traders and since the quality of the onions were not good, there was a dispute between the onion traders and the defacto complainant and the defacto complainant unable to recover the money from the traders, he has given a false complaint as if the petitioners had received the onions and refused to pay the amount and also criminally intimidated him. He further submitted the fact remains is that the petitioners are the residents of Chennai and they are involved in the commission agency at Koyambedu market whereas a false complaint has been given as if the defacto complainant had come to Thirupathur and at Thirupathur, the petitioners have threatened him. He also submitted that the defacto complainant has straight away given a complaint to the Director General of Police and on his reference, an enquiry was earlier conducted by the Deputy Superintendent of Police, Vaniyambadi and he, without understanding the nature of the transaction, had threatened the petitioners to settle the amount and the petitioners have expressed their inability to settle the amount, the case has been registered. Hence, he prayed for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate appearing for the respondent

Police would submit that the petitioners, without paying the money, have purchased onions from the defacto complainant worth about Rs.9,92,459/- and when the defacto complainant asked for money, the accused have abused him and criminally intimidated him. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate and perused the entire materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 No.I, Vaniyambadi, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten



Thousand only) 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[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



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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;

17.07.2023

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