



Crl.O.P.No.15346 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 409 and 506(i) IPC in Crime No.334 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that, petitioner is falsely implicated in this case in Crime No.334 of 2023 for the offences under Sections 409 and 506(i) IPC, in connection with a purely commercial transaction. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Criminal side), opposes this petition, on the ground that, defacto complainant is a rice merchant, who is running a company called Shanmuga Traders Company. The accused was also dealing with rice business in the name of G.S.Arisi Mandi. Accused used to purchase rice on credit from the defacto complainant. Earlier, accused used to repay the amount for the credit purchase of rice. Later, he



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was not paying the amount for rice. Accused is liable to pay Rs.5,76,000/- in connection with supply of rice to the defacto complainant. Thus, he prays for dismissal of this petition.

4. In the nature of the facts, it is obvious that, there is a business transaction between the defacto complainant and the petitioner. Petitioner used to purchase rice on credit basis and it appears that, he is liable to pay Rs.5,76,000/- to the defacto complainant. Therefore, considering the nature of the transaction, this Court is of the view that, custodial interrogation of the petitioner is not necessary and 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 No.II, Tirupathur**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 petitioner and the sureties shall affix their



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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 report before the respondent police everyday at 10.30 a.m., until further orders;

[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.

13.07.2023

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