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Crl.O.P.Nos,20619 & 20620 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner in both the petitions apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 and 420 of IPC in Crime No.121 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A1 in Crl.O.P.No.20619 of 2019 is the Managing Director of Sri Murugappa Steel Hardwares and the petitioner/A2 in Crl.O.P.No.201620 of 2020 is an employee under the said firm. The petitioners along with other accused have booked orders for Rs.20 lakh from the defacto complainant, who is the purchase Manager of R.K.Heavy Engineering Pvt. Ltd. After receipt of payment the petitioners failed to supply the goods as promised by them and thereby cheated the defacto complainant. Hence, the case.



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3. The learned counsel appearing for the petitioner in both the petitions would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that due to some fault on the crane and other machines, there was delay in supplying the goods. He would also submit that the petitioners are ready to abide by any condition that may be imposed by this Court and A3 in the case has been released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. side) appearing for the respondent submitted that there are totally three accused in this case in which the petitioners are arrayed as A1 and A2. He would further submit that the petitioners along with other accused took the order placed by the defacto complainant and received a sum of Rs.20 lakhs from the defacto complainant and thereafter, they neither supply the goods nor return the money. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Heard the learned counsel for the petitioner in both the petitions and the learned Government Advocate (Crl. side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel for the petitioner in both the petitions, I am inclined to grant interim anticipatory bail to the petitioners subject to the following conditions:

7. Accordingly, **the petitioners shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakh only) by way of two installments namely a sum of Rs.5,00,000/- (Rupees Five Lakh only) to be paid to the credit of Crime No. 121 of 2023 on or before 20.09.2023 and balance amount of Rs.5,00,000/-(Rupees Five Lakh only) to be paid on or before 30.09.2023, if any default in payment of the said amount, the anticipatory bail granted by this Court shall stands automatically cancelled, and on such deposit and production of proof, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on**



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their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate II, Alandur**, on condition that the petitioner shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall deposit a sum of **Rs.10,00,000/- (Rupees Ten Lakh only)** by way of two installments namely a sum of **Rs.5,00,000/- (Rupees Five Lakh only)** to be paid to the credit of **Crime No. 121 of 2023** on or before **20.09.2023** and balance amount of **Rs.5,00,000/-(Rupees Five Lakh only)** to be paid on or before **30.09.2023**, if any default in payment of the said amount, the anticipatory bail granted by this Court shall stands automatically cancelled.



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[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

12.09.2023

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