



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.2653 of 2022

1. R.B.Nandini

2. R.R.Bhaskar

... Petitioners / Accused

Vs

1.The state rep.by
The Inspector of Police,
District Crime Branch (DCB),
Madurai District
(Crime No. 2 of 2022).

... 1st Respondent / Complainant

2. P.Ramaraj,
M/s. Keerthiga Enterprises,
Puliyankulam Silaiyaman,
Madurai.

... 2nd Respondent

(R2 suo-motu impleaded vide order dated 22.02.2022 in CRL OP(MD) No.2653 of 2022)

For Petitioner : M/s. Narayanan.R., Advocate.

For Respondent No.1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Respondent No.2 : Mr.R.Senthil Kumar, Advocate

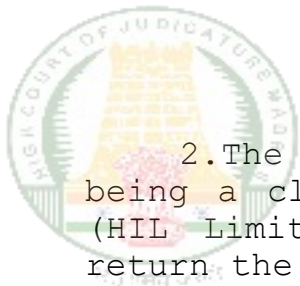
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable (*)under Sections **406, 420, 380 and 120(b) IPC**, in Crime No.02 of 2022 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the first petitioner is being a clearing and Forwarding Agent of the de-facto complainant (HIL Limited) and after termination of agreement, he failed to return the goods received by them. Hence, the case.

3.According to the learned counsel for the petitioners, the first petitioner is the Proprietor of M/s Keerthika Enterprises and a dealer registered under GST. The petitioners are partners of M/s Sri Meenakshi Corporation, involving in stockiest and distribution business since 1973 in the market (earlier associated with M/s Minerva Agencies since 1947). The second petitioner is the Proprietor of M/s Vinayaka Corporation. The de-facto complainant is the manufacturer of asbestos sheets. Both the first petitioner and the de-facto complainant had entered into an agreement for business as if the first petitioner is Clearing and Forwarding Agent of the de-facto complainant. The second petitioner also entered into an agreement as stockiest of the de-facto complainant. The de-facto complainant used to send the goods from their manufacture point to Madurai Depot. The first petitioner used to loading, unloading, stocking and distributing the stocks to stockiest and purchasing dealers in the market on the instructions of the de-facto complainant. During the course of business transaction, the petitioners collected goods worth about Rs.85,00,000/-, which was made even after terminating the agreement entered into between the de-facto complainant and the petitioners herein, dated 24.07.2020. He would further submit that in order to show their *bona fides*, they are ready and willing to deposit some reasonable amount imposed by this Court.

4.Heard the learned Additional Public Prosecutor appearing for the respondent.

5.considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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]at the time of executing sureties, the petitioners shall deposit the original title deeds of immovable property worth of Rs.1,00,00,000/- (Rupees One Crore only) along with the valuation certificate to the credit of Crime No.2 of 2022 before the learned Judicial Magistrate No.I, Madurai. Thereafter, only the learned trial Judge shall accept the sureties furnished by the petitioners.

[c] the petitioners shall report before the respondent Police, daily 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.

sd/-
08/03/2023

**(*)AMENDED AS PER ORDER OF THIS
COURT DATED 14.06.2023 IN CRL MP(MD)
NO.8186 OF 2023 IN CRL OP(MD)No.2653
of 2022.**

**FURTHER TWO WEEKS TIME IS
GRANTED TO THE PETITIONER TO COMPLY
WITH THE CONDITIONS IMPOSED BY THIS
COURT FROM THE DATE OF RECEIPT OF A
COPY OF THIS ORDER AS LAST CHANCE.**

/ TRUE COPY /

/06/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



To

TO BE SUBSTITUTED WITH THE ORDER DATED 20/03/2023 ALREADY DESPATCHED

1.The Judicial Magistrate No.I,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
District Crime Branch(DCB),
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.NARAYANAN, Advocate (SR-3698[I] dated 08/03/2023)

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-3812[I] dated
09/03/2023)

+1 CC to Mr.ARUL VADIVEL ASSOCIATES C, Advocate(SR-8661[I]
dated 14.06.2023)

ORDER

IN

CRL OP(MD) No.2653 of 2022

Date :08/03/2023

ED/MMS/SAR- 3(17/03/2023) 4P 7C

SI/SKN/SAR- (28/03/2023) 4P 8C