



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

Date : 22.06.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD)No.11157 of 2023

WEB COPY

1.Vinothkumar Somani
2.Sree Bhahavan Somani ... Petitioners / Accused No.1 & 2

Vs

State through
The Inspector of Police,
CCB Police Station,
Trichy City
(In Crime No.7 of 2022) ... Respondent / Complainant

For Petitioners : Mr.V.Muthukamatchi, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.7 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 417, 420, 506(1) IPC in Crime No.7 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has running wholesale pharmaceuticals at Trichy. The accused persons have approached him for business purpose, since they also running "Plas Pharma" at Chennai. The complainant and the accused are acquaintance with their business transaction. The accused have purchased medicine from the complainant agencies regularly and repaid the amount to the said agencies. At this juncture, from 3rd September 2021 to 24th September 2021 the complainant had sent medicine worth about Rs.23,17,160/- to the accused pharmacy and they have promised to repay the amount within 15 days. Thereafter, the complainant has asked to return the above said amount from the accused persons, at that time, the accused persons made life threat to the complainant and they have intentionally cheated the complainant. Hence the case.



3. Heard both sides and perused the materials available in the record.

4. It is seen that the petitioners purchased medicine from the defacto complainant worth about Rs.23,17,160/-. They also sold out all the medicines to other retailers. Thereafter, the petitioners failed to pay sale consideration to the defacto complainant. Further, the first petition was dismissed on 10.02.2023 on the ground that the petitioners have cheated the victims by projecting as business transaction and received products. As of now, the defacto complainant filed a suit in O.S.No.398 of 2022 for recovery of money on the file of the learned II Additional District Judge, Trichy.

5. Now, the learned counsel appearing for the petitioners would submit that the petitioners are ready and willing to pay some reasonable amount as fixed by this Court, since they could not able to collect money from their retailers.

6. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall jointly pay a sum of Rs.10,00,000/- directly to the defacto complainant by way of Demand Draft, within a period of four weeks from the date of receipt of a copy of this order and shall produce receipt/acknowledgement before the learned Judicial Magistrate No.I, Trichy, failing which, the anticipatory bail granted to the petitioners shall stand cancelled automatically.

7. On such production of receipt/acknowledgement, 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, Trichy, 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] the first petitioner 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 and the second



required.

[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 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.

sd/-
22/06/2023

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/07/2023

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

GNS

To

1.The Judicial Magistrate No.I,
Trichy.

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

3.The Inspector of Police,
CCB Police Station,
Trichy City.

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

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-9536[I] dated 26/06/2023)

ORDER
IN
CRL OP(MD) No.11157 of 2023
Date :22/06/2023