



Crl.O.P.No.944 of 2024

Crl.O.P.Nos.944 and 992 of 2024

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C.V.KARTHIKEYAN, J.

A1 has filed Crl.O.P.No.992 of 2024 and A2 has filed Crl.O.P.No.944 of 2024 both in Crime No.305 of 2023 registered by the respondent police for the punishable offences under Sections 403, 409, 420 and 120(b) of IPC, seeks anticipatory bail.

2. The petitioners are son and father. It is stated that A1 is owning the business in the name of Hudson Agile Ventures Private Limited. He had acted as intermediary between the defacto complainant and the buyer for export of goods to USA. The goods involved are leather products.

3. It is also stated that products worth Rs.28/- lakhs had been supplied, but though they had been sent over to USA, the amount had not been paid back to the defacto complainant.

4. An affidavit has been filed by A1, wherein he had stated as follows:

"I respectfully submitted that the petitioner has to reach USA and look for a way to clear the stocks which has been rejected by the buyer and stored at the US warehouse, after that the rejected quality of the stocks has to be sell only through after market due to its poor quality of the goods. In accordance with that the petitioner will be able to



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clear the goods which are being stored at the warehouse therein and after the clearance of the goods the petitioner has to pay for the warehouse expenses and other respective charges for the storage of those goods and after the above calculations whatever the balance amount which is pending will be returned to the defacto complainant and with bill of sold leather jackets in second market."

5. The above statement of the first accused is recorded.

6. However, taking all the other factors into consideration this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 **Judicial Magistrate No.I, Alandur**, on condition that the petitioner shall execute a 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:



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[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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] directing the two petitioners to jointly deposit a sum of Rs.5/- lakhs(Rupees Five Lakhs only) to the credit No.305 of 2023 in interest earning Fixed Deposit in anyone of the Nationalised Bank by the learned Judicial Magistrate No.I, Alandur and orders shall be passed on conclusion of trial. If any application is filed seeking for payment, the same may be examined and appropriate orders may be passed on merits of the case. After the sale goods are effected to USA, the accounts must be verified and examined and settled by both the parties.

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

[e] the petitioners shall not abscond either during



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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.

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