Crl.O.P.No.7778 of 2024

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 406 and 420 IPC in Crime No.99 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner has failed to pay a sum of Rs.10,00,000/- paid in cash by the defacto complainant on 01.06.2022 as Security deposit for the Distributorship of his masala products, Rs.8,59,000/- for the raw materials (Coriander powder) supplied to one Pari Marketers which belongs to the petitioner and received a sum of Rs.31,500/- on 15.05.2022 by way of D.D. Vide D.D.No.259830, which totally comes to Rs.18,90,500/- and later the petitioner failed to pay the said amount. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that he is aged about 67 years and have may medical complications like Cardiac issues, diabetic problem and BP and he is under medication now. His wife is also not feeling well and she is also now under treatment for lung disorder. The petitioner is having the permanent address as mentioned in his petition and he will not tamper the witnesses and he is ready and willing to abide any condition that may be imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned counsel for the intervenor submitted that the petitioner started to supply masala products to TNPC through the Distributor M/s.S.K.Agency, within a short time, the supply was stopped stating reasons of shortages in Raw materials for manufacturing Masala products and asked to arrange corriander urgently for starting the supply. Based of his promise, M/s.S.K.Agency arranged to deliver 6000 kgs of corainder from Koyambedu market on 01.11.2022, 04.11.2022 and 05.11.2022 for the value of Rs.8,59,000/- which was also promised to be paid immediately. However to the shock of the petitioner, the one Mr.V.S.Dinakar has sold the coriander to some other party and closed his factor. Hence was in the intention to cheat while asking the delivery of coriander from the petitioner and also cheated by cancelling the distributorship. Thus the petitioner has cheated a total sum of Rs.18,90,500/-. The petitioner had suppressed the materials facts and filed the present Anticipatory Bail petition with a malicious intent of escaping the clutches of law. If the Anticipatory Bail is granted to the petitioner, then he would start over with cheating others and obtaining illegal profits out of the same.

5.The learned Government Advocate (Crl. Side) vehemently opposed for grant of anticipatory bail to the petitioner.

6.Heard the learned counsel for the petitioner, the learned counsel for the intervenor and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7.Taking into consideration the facts and circumstances of the case, there is business transaction with condition, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, the petitioner is directed 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, Ponneri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 the petitioner, 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 photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakh Only) to the credit of Crime No.99 of 2024, before the concerned Magistrate within a period of four weeks from the date on which the order copy made ready and on such deposit, the defacto complainant is permitted to withdraw the said amount on filing undertaking affidavit and proper identification and acknowledgment;

(c) the final order in respect of the said deposit shall be passed by the learned trial judge at conclusion of trial;

(d) the petitioner shall appear before the respondent police on every Wednesday at 10.30 a.m. for a period of twelve weeks;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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 Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

9.Post the matter **"for reporting compliance"** on **07.06.2024**.

18.04.2024

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T.V.THAMILSELVI, J.

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18.04.2024