

**CrI.O.P.No.13108 of 2024****T.V.THAMILSELVI, J.**

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 420, 465, 467, 468, 471 r/w 120(B) IPC in Crime No.2 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a company running a medical supply business in the name of M/s. Turcios Medical Supply and Service LLC. They procure medicinal drugs and supply to various distributors throughout the world. That they also participate in public procurement tenders, similarly a tender was floated by Salvadoran Institute of Social Security to procure a drug supply of Tocilizumab 20 MG/ML vial bottles to in patients at EL SALVADOR, as per contract. After the tender was awarded to the defacto complainant, they were looking for wholesale suppliers and got acquainted with one M/s. Murugappa Wholesale Suppliers, Harihara Subramaniam, P.Kanchana and Lakshmi Devi P.Kanchana. After personal visits to India the defacto complainant had made negotiations and sought for relevant government approvals. That the accused 1-4 had made all requirements and took the order to supply the drug to the defacto complainant. On placing the



order, the accused requested to make the entire consideration in advance to ship the drug. Subsequently payments were made in full and the drugs were shipped from the accused by Roche Holding AG and was also picked by Division Warehousing Department, Drug Warehouse section of El Salvador. To shock and surprise of the defacto complainant the drugs were found defective. This was communicated to the accused and that they have also agreed to replace the defected drugs but insisted on a fresh payment to supply the drugs which was denied by the defacto complainant. Suspecting the actions of the accused the defacto complainant raised a complaint before the Roche Holding AG, and in response received a reply stating that the drugs supplied by the accused were counterfeit and Roche Holding AG did not confirm the supply of such drug from accused company. That after verification it was found that the drug licenses were not verifiable in the official website. That the accused had misrepresented and forged the license to procure the order which resulted in serious difficulties to the public. That the accused not only supplied spurious drugs but also failed to replace or repay the amount, causing illegal gain and loss to the defacto complaint. Hence this present case.

3.The learned counsel for the petitioner submitted that there is no specific



allegation against the petitioner herein in the FIR, and the petitioner was not involved in any of the incidents mentioned by the defacto complainant in the complaint. M/s. Pharma Vision 2000, was called for an enquiry vide a summons under Section 41A of the Cr.P.C. on 16.04.2024 at 10.30 a.m. It is submitted that the said summons was received by the petitioner only on the evening of 15.04.2024. Subsequent to the said summons, he had given a letter to the respondents requesting for further time to attend the enquiry since he had fallen down on 22.04.2024, leading to a very serious spinal injury. Hence he was directed by his doctors to remain immobile for a period of two months, in order for the injury to heal. He is an innocent and he has been wrongly implicated in the crime registered. He will be put to great ignominy if arrested and remanded to judicial custody. He will co-operate with the investigation officers and further undertake that he will tamper any of the witnesses. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent vehemently opposed to grant anticipatory bail to the petitioner. The petitioner herein is ranked as A5. In this case A1 was arrested and released on bail. The petitioner herein received a sum of Rs.2,00,00,000/- and he has not



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supplied the medicinal goods. Hence this case needs detailed investigation.

Even notice under Section 41A of the Cr.P.C. was issued against the petitioner herein and he has not appeared for enquiry on 16.04.2024.

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

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.Side) and considering the gravity of the offence and also taking note of the fact that the case is at initial stage and it needs detailed investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition stands dismissed.

26.06.2024

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