



WEB COUNCIL **T.V.THAMILSELVI, J**

The petitioners/A1&A2, who apprehend arrest at the hands of the respondent police for alleged offences punishable under Sections 406, 420 and 120B IPIC, in Crime No. 72 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The learned counsel for the petitioners seeking interstate anticipatory bail on the following grounds: The offences are non-bailable. The petitioners are innocent and they have not committed any such offence as alleged by the prosecution. The case are related to a commercial transactions arising in respect of Foreign Liquor business. The 1st petitioner was appointed as a Location Manager under the Agate International (P) Limited, represented by its Managing Director Mr.Pragadeesh Kumar. During the month of May, 2024, the Managing Director of the Company was requested to acknowledge an amount of Rs.22,00,000/- which was given to the officials over a period of time till May, 2024 over phone call. The Managing Director did not forward the acknowledgment of the amount of Rs.22,00,000/- which was spent unofficially for getting a business and clearance from the customs officials. In the meanwhile, the 1st petitioner was assigned to open a 400 sqft., warehouse in Perapalle, obtained license from the Customs, LPAI, the 1st petitioner was able



to obtain statutory permission from the authorities to sell the foreign liquors in duty free shop which is opened in Petrapole in November, 2022. In the meanwhile, the 1st petitioner left from the outlets (Foreign Liquor) in Petrapole, West Bengal and come to Chennai to meet the Managing Director to resolve the amount spent unofficially by the 1st petitioner as per the instruction of the Managing Director Mr. Pragadesh Kumar. The Managing Director of the Company refused to meet the 1st petitioner and did not disclose the whereabouts, being disburged by the conduct of the Managing Director. The 2nd petitioner being the retired officials in State Social Service Department approached the concerned person in the Company and was able to reach out to the Managing Director, based on the assurance, the 2nd petitioner met the Managing Director in the Poolambadi Village, Perambalur District on 09.06.2024 for resolving the problem as the 1st petitioner. During the meeting, the 1st petitioner was manhandled and beaten by the Managing Director and his associates who were in the farm house, the Managing Director and his associates in the presence of the 2nd petitioner and his friends forced to sign a letter to acknowledge that the 1st petitioner will be repaying the unaccounted money which were given to the officials, the 1st petitioner has no alternative signing the letter which was obtained on coercion on 09.06.2024 and totally the liability arising out of the business and sale are purely civil in nature. Due to



various reasons attributable to the non-compliance of the terms and conditions by the de-facto complainant's company, including the amount of Rs.22,00,000/- which was spent unofficially for getting a business and clearance from the Customs Officials. The commission and other benefits with regard to the sales turnover of Rs.12 Crore done by the 1st petitioner has to be paid by the Agate International (P) Limited, Represented by its Managing Director. The conduct of the Agate International (P) Limited, clearly proves that to evade the sale commission and other benefits. The Managing Director of the Company have jointly blocked the mail of the 1st petitioner. It is necessary for the 1st petitioner to access the mail for providing the actual accounts during his service with the Agate International (P) Ltd., represented by its Managing Director. The 1st petitioner filed a suit (SR.No. 6633/2024) for bare injunction restraining the Agate International (P) Ltd., represented by its Managing Director, to act upon letter which was obtained in coercion dated 09.06.2024. Meanwhile the petitioner had received a letter dated 20.06.2024 stating that the petitioner has to appear before the 1st respondent on or before 29.06.2024 for investigation in Petrapole Police Station in Crime No. 72 of 2024 against the petitioners 1&2 and after a thorough enquiry after recording the statement of the petitioners with material documents in support of their case. The defacto complainant has lodged a private complaint, with false, frivolous and baseless allegations, to



cover the commercial transaction and at the most the Civil liability, suppressing all the facts enquired by the same 2nd respondent police. After due enquiry it was found that, the matter was purely Civil in nature and the said complaint was pending on the file of the respondents 1&2.

3. The learned counsel for the petitioners submitted that the 2nd petitioner is aged about 67 years, and the 1st petitioner is the son of the 2nd petitioner, and they were harassed by the filing the complaint by. Besides, a Original Suit in O.S.SR.No.6633 of 2024 was filed against the defacto complainant, based upon all these facts, the learned counsel for the petitioners submitted that already the matter was referred to as a civil dispute, and there is no prima facie material to prosecute them. However, they are entitled to take all the defence and prayed for Interstate bail to the petitioners.

4. The learned counsel for the intervenor submitted that the petitioners have committed serious offences and therefore, he raised objection in allowing the interstate anticipatory bail to the petitioners.

5. Considering the submissions made by both side learned counsels



and the fact that it reveals that there is a commercial transactions between the parties. However, the 2nd petitioner is aged about more than 67 years, and the 1st petitioner is the son of the 2nd petitioner, and the issue was pending from 08.08.2022. At this stage, there is no possibility of tampering with the evidence and hampering the witnesses. Considering that, this Court is inclined to grant **interstate anticipatory bail**.

6. Accordingly, the petitioners are ordered to be released on **interstate anticipatory bail** on executing 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 Inspector of Police, J7, Velacherry Police Station, Velacherry, Chennai-600 042, and on further conditions that:

(a) 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 on every Saturday at 10.30 a.m. until further orders.



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(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 petitioner 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]***; and;

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

28.06.2024

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