



Crl.O.P.No.22918 of 2024

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WEB C **P.DHANABAL,J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of IPC in Crime No.505 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a rice wholesale business in the name and style of Siva Shakthi Enterprises and the petitioners were approached the defacto complainant and introduced them that they are doing rice merchant at Pondicherry and Villupuram in the name and style of PAR Traders and AJ Foods. Thereafter, the defacto complainant had started sending the goods through proper GST invoice to the petitioners and on receipt of the goods, the petitioners were failed to settle the dues, eventhough several demands were made by the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioner are innocent person and they have been falsely implicated in this



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case, due to a business transaction. He would further submit the wife of the defacto complainant had initiated 138 proceedings against the first petitioner in C.C.No.130 of 2024 before the Judicial Magistrate, Fast Track Court, Alandur claiming an amount of Rs.7,26,472/- and the value of goods supplied to the first respondent for the years 2022-2023 stands at Rs.70,73,762/- and the entire proceedings have been suppressed by the defacto complainant in the First Information Report. The defacto complainant initially lodged a complaint before the CCB, Tambaram claiming a sum of Rs.50,00,000/- as default amount with a different set of facts and the same was enquired by the CCB and thereafter, closed the complaint. After a few months, the defacto complainant approached the respondent police with a different set of facts claiming a sum of Rs.36,00,000/- as default amount and the same was closed for want of substantial proof and evidence. The defacto complainant had initiated multiple complaints with different set of facts with false allegations. Hence, they prayed for grant of anticipatory bail.

4.The learned Government advocate(Crl.Side) would submit that the petitioners after receiving the goods from the defacto complainant, had failed to settle the dues. He further submitted that the petitioner by



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suppressing the earlier anticipatory bail petition filed before the trial Court, had filed the present petition seeking anticipatory bail. He also submitted that there is no previous case pending against the petitioners. However, he objected to grant anticipatory bail to the petitioners.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions on either side and considering the fact that there is no previous case pending against the petitioners and there is a business transaction between the parties and the defacto complainant has filed a complaint under Section 138 of NI Act which is also pending, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7.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 learned Judicial Magistrate No.II, Alandur, 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 learned Magistrate



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concerned and on further condition that:

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[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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