



Crl.O.P.No.25160 & 25961 of 2024

Crl.O.P.Nos.25160 & 25961 of 2024

and

Crl.M.P.No.15001 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest in connection with Crime No.36 of 2024, registered under Section 420 of IPC, on the file of the respondent Police, seek anticipatory bail.

2. The de facto complainant, as intervenor, has filed Crl.M.P.No.15001 of 2024 opposing for grant of anticipatory bail to the petitioner in Crl.O.P.No.25160 of 2024.

3. The case of the prosecution, as per the defacto complainant, is that he is running a Rice Mill under the name and style of M/s.Krishna Modern Rice Mill at Puducherry and he had supplied rice to the tune of Rs.3,57,58,569/- on various occasions to M/s.Arunachala & Co., Madurai in which A-1 and A-2 are partners. The accused, after some time, refused to pay the amount and later, it was found that A-1 and A-2 transferred their GST in the name of their sons in-law and daughter, who are A-3 to A-5 andt hereby they had cheated the defacto complainant. Hence, the



4. Learned Counsel appearing for the petitioners would submit that the petitioners are genuine traders and they have been running wholesale and retail sale of rice, wheat, pulses, cereals in the name of M/s.Arunachala & Co., a Partnership Firm at Madurai. The 1st accused was running the business and the 2nd accused was a dormant partner in the business. There were business transactions between the parties from the year 2016 and due to Covid, the petitioners had suffered a huge loss and thereby the petitioners were unable to repay the amount and the petitioner have filed Insolvency Petition in I.P.No.8 of 2024 before the III Additional Sub Court, Madurai and the de facto complainant is also cited therein as a creditor. He would further submit that there was no intention, on the part of the petitioners to cheat the defacto complainant and that the averments made in the complaint also do not make out a case of cheating. He would submit that a case of a commercial transaction and inability to make payment in time has been falsely projected as a case of cheating. He would further submit that petitioners 3 to 5 are the sons in-law and



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daughter of the 1st and 2nd accused and in order to arm twist them under the threat of arrest and for recovery of money, they have also been added as accused in this case. He would further submit that the daughter is married several years ago and sons in-law are also doing separate business, however, they had been falsely roped in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

5. Learned Additional Public Prosecutor (Puducherry) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioners, would submit that 1st and 2nd accused are running a Firm in the name and style of Arunachala & Co. at Madurai, they have induced the defacto complainant to supply rice and they have been purchasing rice from the year 2016 and that an outstanding amount of Rs.3,57,58,569/- is due. He would further submit that the 1st accused has initiated an insolvency proceedings in I.P.No. 8 of 2024 on the file of the III Additional Sub-Judge, Madurai and he would submit that the defacto complainant has been shown as R-20. He would submit that later, petitioners 1 and 2 have transferred the GST in favour



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of their sons in-law and thereby they had cheated the defacto complainant by not paying the amount.

6. Learned counsel for the intervenor would vehemently oppose for grant of anticipatory bail, stating that the petitioners have cheated the defacto complainant to the tune of Rs.3,57,58,569/-.

7. Heard the learned Counsel for the Petitioner, the learned Government Advocate (CrI.Side) for the respondent, learned counsel for the intervenor and perused the entire materials available on record.

8. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and that admittedly there has been business transaction right from the year 2016, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, **the petitioners/A-3 & A-5 shall jointly**



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deposit the original title deeds of an immovable property not less than the value of Rs.15 lakhs (standing in the name of the petitioners or their relatives or their friends) to the credit of Crime No.36 of 2024 before the Court concerned.

10. Accordingly, the petitioners are ordered to be released on bail in the event of arrest, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-III, Puducherry**, on condition that the petitioners shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only) each** with two sureties, each 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:

[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 his Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioners/A-2 & A-4 shall report before the respondent police as and when required and the petitioners/A-3 & A-5 shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[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 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];**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section Section 269 of B.N.S.

14.11.2024

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