



CRL OP(MD) No.22234 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22234 of 2023

and

CRL MP(MD) No.2015 of 2024

1 SYED RASIN

2 ROSAL

... PETITIONERS / ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
MADURAI CITY.
MADURAI DISTRICT.
CRIME NO.17/2023.

... RESPONDENT / COMPLAINANT

MOHAMMED SALMAN

... PETITIONER/INTERVENER/
DEFACTO COMPLAINANT

IN CRL.MP(MD).184/2024 IN CRL.OP(MD).22234/2023

For Petitioner : Mr.M.MAHARAJA Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

For Intervenor : Mr.S.POORNACHANDRAN, Advocate

<https://www.mhc.tn.gov.in/judis> PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.



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PRAYER IN CRL.OP(MD).22234/2023:- FOR ANTICIPATORY BAIL IN CRIME NO.17/2023 ON THE FILE OF THE RESPONDENT POLICE.

PRAYER IN CRL MP(MD). 2015/ 2024 :

To extend the time granted by this Honble Court by order dated 08.01.2024 in Crl.OP.No.22234/2023 for a period of six weeks and to pass suitable order

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 120(B), 406, 420, 465, 468, 471 of IPC, in Crime No.17 of 2023, seek anticipatory bail.

2.The case of the prosecution is the petitioners were acted as agents to the defacto complainant to purchase onions from Turkey, for which, they claimed 10% of commission in total transaction. Accordingly, eleven (11) containers of onions were agreed to import from Turkey to India and the amount of Rs.1,47,72,670/- was paid to the first petitioner's Bank account through various mods of payment by the defacto complainant. Though the entire amount was paid to the Turkey Company, that company sent 11 containers of onion to Sri Lanka, but the same was not delivered to India. It was informed to the defacto complainant that due to Covid-19, the delivery process was not completed, only 3 containers were received India and the remaining



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containers were not received by the defacto complainant and the same was destroyed. Later, the defacto complainant came to know that eight (8) containers of onions were sold in the open market Sri Lanka by the petitioners. Thereby, the present complaint has been registered.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The defacto complainant knows very well that 11 containers of onion has reached Sri Lanka from Trukey and there was an issue between the Sun Shine Company at Sri Lanka and the company at Turkey, so that the agreement was entered between the parties. As per the agreement, the 1st petitioner is agreed to pay Rs.35,00,000/- to the petitioner and the balance amount has to be collected from the insurance company. The defacto complainant has not co-operated with the insurance company to release the entire amount as per the insurance policy. Hence, he prays for granting anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that this Court, by its order, dated 08.01.2024, the 1st petitioner was directed to deposit Rs.30,00,000/- in the name of Additional Registrar General, Madurai Bench of Madras High Court, Madurai, on or before 05.02.2024. But thereafter, time was granted by this Court for comply the said condition. Even then, he is not complied the conditions till date.



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Hence, he vehemently opposed to grant of anticipatory bail to the petitioners.

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5. Considering the facts and circumstances of the case and also considering the fact that the petitioners have failed to deposit Rs.30,00,000/- as per the condition imposed by this Court, even after granting of time on three hearings, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

sd/-
08/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
MADURAI CITY.
MADURAI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO:

THE ADDITIONAL REGISTRAR GENERAL,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.22234 of 2023
and
CRL MP(MD) No.2015 of 2024
Date :08/03/2024

SA/GS/SAR. /21.03.2024/5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.