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CrI.O.P.No.29077 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 29077 of 2024

R.Madhavan

Petitioner(s)

Vs

The State By
The Inspector Of Police,
R-1 Mambalam Police Station,
Chennai.
Cr.No.123/2024.

Respondent(s)

PRAYER: Criminal Original Petition has been filed under Section 482 of B.N.S.S. praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 123 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.Vellidoss Sattu

For Respondent : Mr.Leonard Arul Joseph Selvam,
Govt. Advocate (Crl. Side)



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ORDER

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The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 I.P.C. in Crime No.123 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner was running a company by name Sri Jayam Exim Pvt. Ltd. and the defacto complainant is running a company by name M/s. Shankar Beverages; that the petitioner issued purchase order for the vegetables to the value of Rs.69,38,074/-; that when the defacto complainant had executed the purchase order for exporting vegetables, the petitioner did not make any payment. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that it is a commercial transaction; that the petitioner and the defacto complainant had business relationship since 2010; that even if the petitioner has not paid the amount, it would only amounts to breach of promise and that in any case, the custodial interrogation is not required. He would submit that he would abide by any condition that may be imposed by this court and sought for anticipatory bail.



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4. The learned counsel for defacto complainant would however vehemently opposed for grant of anticipatory bail that the petitioner had cheated a sum of Rs.69 lakhs.

5. The learned Government Advocate (Crl. Side) reiterated the prosecution case and on instructions submitted that the petitioner and the defacto complainant had business relationship since 2020; that it is a case of non-payment after receipt of goods. Hence, he prayed to dismiss this petition.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.

7. Considering the aforesaid facts, the nature of allegation; that it is a case of commercial transaction; that the petitioner and the defacto complainant had business relationship since 2010; that the case is borne out of records and that the custodial interrogation of petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of



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arrest or on his appearance within a period of fifteen days from the date of

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receipt of a copy of this order, before the learned XVII Metropolitan Magistrate, Saidapet, Chennai on condition that the petitioner shall execute 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

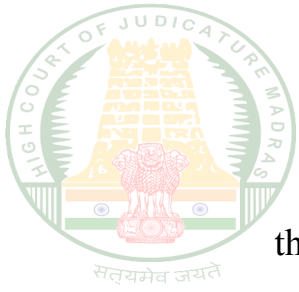
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by



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the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala
[(2005)AIR SCW 5560].

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

10.02.2025

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To

1. XVII Metropolitan Magistrate, Saidapet, Chennai.
2. The Inspector Of Police, R-1 Mambalam Police Station, Chennai.
3. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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