

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.14793 of 2018

1 B.ALI AKBAR
2 HUZEFA LEHERY
3 R.CHINNASWAMY

[PETITIONERS / ACCUSED]

Vs

1 THE INSPECTOR OF POLICE,
(CRIME),
B-2, POLICE STATION, ESPLANADE,
CHENNAI-108.

[RESPONDENTS]

2 THE INSPECTOR OF POLICE,
KURLA POLICE STATION,
KURLA WEST, MUMBAI,
MAHARASTRA-400 070.
CR.NO.479 OF 2016.

For Petitioner : M/S.R.GOWTAMAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners seek interstate anticipatory bail in Crime No.479 of 2016 registered by the second respondent for the offences under Sections 408, 420, 465, 467, 468, 471, 411, 120B and 34 of IPC r/w Section 66 of the I.T.Act, 2000.

2. The case of the prosecution as per the defacto complainant Shri Naresh Khurana is that the petitioners have illegally syphoned crores of amount through the Leighton India Contractors Private Limited company's bank account to the other bank account and transferred the said amount in various bank accounts and thereafter, transferred the amounts to Madras Hard Tools Pvt. Ltd bank account (A/C.No.0426639000000034 Lakshmi Vilas Bank). The further allegation is that the first petitioner was given office on lease basis to the proprietors of UKS Trading Company, MI Engg. and Hardware Suppliers for business purpose. On verification of records, it is seen that they had no transactions with Sirajuddin.

3. The learned counsel for the petitioners would submit that the

petitioners had business transactions with Leighton India Contractors Private Limited and the entire transactions are borne out by records and during the course of internal audit, certain transactions came to adverse notice. In this regard, a complaint has been lodged by one Shri Naresh Khurana with the second respondent. He would submit that a false complaint has been given against the petitioners and they have nothing to do with the said allegation. He further submitted that even though the petitioners are residing at Chennai, they have been falsely implicated in this case, which was registered within the jurisdiction of Mumbai. Pursuant to that, they are apprehending arrest by both the respondents and hence, prayed that interstate anticipatory bail may be granted to them to enable them to move the appropriate jurisdictional Court in Mumbai for necessary relief.

4. The learned Additional Public Prosecutor appearing for the first respondent would submit that in respect of Crime No.479 of 2016 on the file of the second respondent, the first respondent has no intention to arrest the petitioners. He would further submit that the petitioners are being wanted in the Crime number registered by the second respondent and that the petitioners may get relief by filing proper petition before the appropriate jurisdictional Court in Mumbai.

5. Taking into consideration the submissions made by the learned counsel appearing for the petitioner, this Court is inclined to grant interstate interim anticipatory bail to the petitioners for a period of four weeks from today to enable them to move the appropriate Court in Mumbai.

6. Accordingly, interstate interim anticipatory bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall surrender before the learned VII Metropolitan Magistrate, George Town, Chennai, within two weeks from the date of receipt of copy of this order;

(ii) On such surrender, the petitioners shall be enlarged on bail on condition that they shall execute a separate bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the said Magistrate.

(iii) In the event of failure to surrender within two weeks the order granting interstate interim anticipatory bail stands cancelled automatically.

(iv) Within two weeks of such surrender before the above said Magistrate, the petitioners shall approach the appropriate jurisdictional Courts in Mumbai and seek appropriate relief.

08/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.VII, GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE,EGMORE[FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
(CRIME), B-2, POLICE STATION, ESPLANADE,
CHENNAI-108. CR.NO.479 OF 2016.

4 THE INSPECTOR OF POLICE,
KURLA POLICE STATION, KURLA WEST, MUMBAI,
MAHARASTRA-400 070.

5 THE PUBLIC PROSEUCTOR
HIGH COURT,MADRAS

+3 CC to M/S.R.GOWTAMAN Advocate on payment of necessary
charges SR.NO. 10280,10445

CRL OP.14793/2018

Date :08/06/2018

RD 14/06/2018