

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15883 of 2018

1 P.KARUNAKARAN

[PETITIONERS / ACCUSED]

2 B.AMUDHAVENI

3 B.RAVIKUMAR

4 C.DEVIPRIYA

Vs

THE STATE REP. BY ITS

[RESPONDENT]

INSPECTOR OF POLICE,

E-2 CRIME POLICE STATION,

PEELAMEDU, COIMBATORE.

CR.NO. 981 OF 2018

For Petitioner : M/S.BABU BARVEEZ Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.981 of 2018 registered by the respondent police for the offence punishable under Sections 294(b), 506(ii), 420 and 406 of IPC.

2. The case of the prosecution as per the de-facto complainant one Chandrasekaran is that he is one of the Directors of M/s.Shri Hari Oven Sax Private Limited and at the time of joining, the other Directors have promised him to give 10% more profit than the other Directors and thereby, made him mortgage his property. The further allegation is that after obtaining the loan from the Bank, A1 to A3 have purchased the properties in their names and thereby, cheated the defacto complainant to the tune of Rs.29,00,000/-.

3. The learned counsel for the petitioner would submit that the petitioners and the defacto complainant are the Directors of M/s.Shri Hari Oven Sax Private Limited and that all the Directors have mortgaged their respective properties for availing loans for running the Company and as such the defacto complainant had also mortgaged one of his property and due to a dispute among the directors, the defacto complainant has given a false complaint. He would further submit that if at all any dispute arises between the Directors, the Directors have to approach the appropriate forum whereas, based on this false complaint, the respondent has registered this case. He

would submit that though the complaint had been given to the respondent as early as on 13.06.2017, the respondent police has registered the complaint only based on the direction of this Court.

4. The learned Additional Public Prosecutor would submit that there was a dispute between the Directors and the allegation against the petitioners is that the petitioners have cheated the defacto complainant to the tune of Rs.29,00,000/- and that when he had asked for return of money, the petitioners abused him with filthy language and threatened him with dire consequences.

5. I have gone through the FIR and also the documents filed along with the petitions. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate-VI, Coimbatore District, on condition that each of the petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioners 1 and 3 shall report before the respondent police daily at 10.30.a.m for a period of one week and thereafter, as and when required for interrogation and the petitioners 2 and 4 shall report before the respondent police 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
29/06/2018

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 JUDICIAL MAGISTRATE,
NO.VI, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-2 CRIME POLICE STATION,
PEELAMEDU, COIMBATORE.

+3CC to M/S.BABU BARVEEZ Advocate on payment of necessary charges SR NO.12018

CRL OP.15883/2018

Date :29/06/2018

MK:06/07/2018