



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

Wednesday, the Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22034 of 2018

and

CRL MP(MD)No.484 of 2019

1 P.VENKATESA PANDIAN

2 V.LATHA

... PETITIONERS/ACCUSED 1 & 2

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
IN CR NO. UNKNOWN OF 2018

... RESPONDENT/COMPLAINANT

P.SIKKANDAR

... INTERVENER/DEFACTO COMPLAINANT
IN CRL MP(MD)No.484/2019

For Petitioners : MR.NIRANJAN.S.KUMAR, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

For Intervener : MR.J.LAWRACE, Advocate

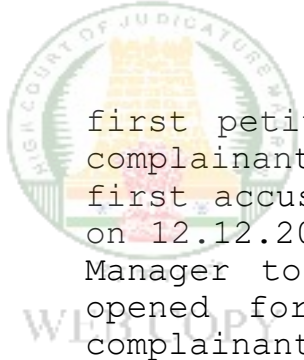
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 406 and 420 of I.P.C. in Cr.No.Not known on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners are the employees of the de-facto complainant. The de-facto complainant running the business in the name and style of "M/s.Krishna Cable and Krishna T.V." and the same was registered under the Companies Act, right from 1997 and thereafter, in the year 2010, he started another company in the name and style of "M/s.Madurai Krishna Network Private Limited", registered under the Companies Act, having office at Vaidhiyanathar Iyer Street, Shenoy Nagar, Madurai and he lodged a private complaint under Section 156(3) of CPC, as if the petitioners misappropriated the amount of Rs.44,00,000/-. The said complaint was taken on file and on direction, the Law Enforcing Officer registered a complaint against the petitioners.

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



first petitioner was working as Assistant Manager in the de-facto complainant's company. Since there were some allegations against the first accused, the de-facto complainant terminated him from service on 12.12.2017. Thereafter, he sent a letter to the Axis Bank Branch Manager to close the first accused account. The said account was opened for the purpose of business activities of the de-facto complainant. The learned Counsel for the petitioners further submitted that the Central Excise Department, Madurai, in February'2018, issued a summon calling upon the de-facto complainant to explain about the huge transaction in their bank account. Accordingly, the first petitioner appeared before the Central Excise Department and deposed that the said account was utilised, managed and operated by the de-facto complainant. Thereafter, the Central Excise Department issued a show cause notice to the petitioner as well as the de-facto complainant and the said adjudication is pending before the Central Excise Department.

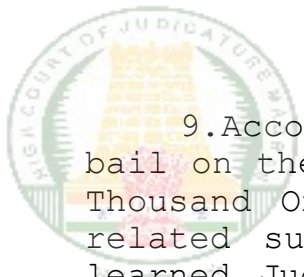
4. Thereafter, the de-facto complainant lodged another complaint before the Koodal Pudur Police Station against the petitioners on 08.02.2018 as if the petitioners had misappropriated a sum of Rs.23,00,000/-. Hence, the petitioners appeared before the Law Enforcing Officer and after elaborate enquiry, the said complaint was closed. Thereafter, the de-facto complainant filed another complaint before the CCB, Madurai, that the petitioners had misappropriated a sum of Rs.40,00,000/-. Again the de-facto complainant lodged another complaint before the K.Pudur Police Station, alleging that the cheque belonging to the de-facto complainant had been stolen by the petitioner. Hence, the Law Enforcing Agency called the petitioner and after detailed enquiry, the said complaint was closed.

5. Thereafter, the de-facto complainant filed another complaint under Section 156(3) of Code of Criminal Procedure, before the learned Judicial Magistrate No.I, Madurai and the learned Judicial Magistrate issued a direction to the Law Enforcing Agency to file a report.

6. The learned Counsel for the intervener would submit that the petitioners collected huge amount from the viewers and subscribers and deposited in his own account, for which the present complaint has been lodged under Sections 406 and 420 of IPC.

7. The learned Government Advocate (Crl. side) did not dispute the fact that the Central Excise Department also initiated proceedings against the petitioners and de-facto complainant and the same is pending for adjudication. Based on the direction issued by the learned Judicial Magistrate No.I, Madurai, the present case has been registered against the petitioner and his wife and the investigation is pending.

8. Considering the facts and circumstances of the case and considering the material facts, this Court is inclined to grant anticipatory bail to the petitioners.



9. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Madurai, Dindidugl District, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily daily at 10.30 a.m. until further orders;

(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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-

06/02/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE, CENTRAL CRIME BRANCH, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.NIRANJAN.S.KUMAR Advocate SR.No.2483

+1. CC to MR.J.LAWRANCE, Advocate SR.No.2542

ORDER

IN

CRL OP(MD) No.22034 of 2018
and CRL MP(MD)No.484 of 2019

Date :06/02/2019