

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.Nos.8298, 7758 & 7756 of 2020

C.Ganeshan ... Petitioner in CrI.O.P.No.8298/2020

K.Ranjith Kumar ... Petitioner in CrI.O.P.No.7756/2020

S.Giri Soundar ... Petitioner in CrI.O.P.No.7758/2020

Vs.

The State Represented by,
The Inspector of Police, (Crime Branch)
F-5 Choolaimedu Police Station,
Chennai - 600 094.
(Cr.No.84 of 2020)

... Respondent in all CrI.O.Ps

Common Prayer: Criminal Original Petitions filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.84 of 2020 pending on the file of the respondent police.

For Petitioners
in all CrI.O.Ps : Mr.N.Ganeshmurthy

For Respondent
in all CrI.O.Ps : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

COMMON ORDER

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 463, 464, 468, 406, 408 of IPC, in Crime No.84 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., S.Subramanian is that he is the owner of Sri Kailash controls. The Accused are the former employees of his company. Without his knowledge, they have started a new company and diverted the business of the defacto complainant and also committed malpractice by using materials of the defacto complainant's company and fabricating bills caused loss to the defacto complainant to the tune of Rs.30,21,682/-.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons. Due to business rivalry, a false case has been foisted against them. He would further submit that the defacto complainant had earlier given a complaint before F-5, Choolaimedu Police Station on 05.01.2019 and the petitioners were called for enquiry. In order to purchase peace, a settlement was reached whereby the petitioners agreed to pay an amount of Rs.10,50,000/-. On 14.02.2019, the petitioners paid a sum of Rs.7,00,000/- and the petitioners are prepared to pay the balance amount of Rs.3,50,000/- in order to show their bonafide. He would further submit that the petitioner in Crl.O.P.No.8298 of 2020 is also prepared to deposit title deed of his family property owned by his father. He would further submit that his father is no more and the other legal heirs are ready to give no objection certificate for such deposit. The other petitioners in Crl.O.P.Nos. 7758, 7756 of 2020 are associates of the petitioner in Crl.O.P.No.8298 of 2020. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are former employees of the defacto complainant and without the knowledge of the defacto complainant, they started a new company. They diverted the business and also by using the materials of the defacto complainant and fabricating bills, committed fraud to the tune of Rs.30,00,000/-. However, he opposed the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned XVII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioners shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners 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.

[c] Further, the petitioners shall also at the time of surrender, deposit an amount of Rs.3,50,000/- to the credit of Crime No.84 of 2020, before the learned Magistrate and on such deposit, the defacto complainant is entitled for return of the amount on filing proper application.

[d] the petitioner in CrI.O.P.No.8298 of 2020 shall deposit the original title deed of the property belonging to his father along with the no objection certificate from his sisters.

[e] the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter on every Monday at 10.30 a.m., until further orders.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] the petitioners shall not abscond either during investigation or trial.

[h] 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].

[i] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

24/09/2020

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.XVII, SAIDAPET, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

<https://hcservices.ecourts.gov.in/hcservices/>

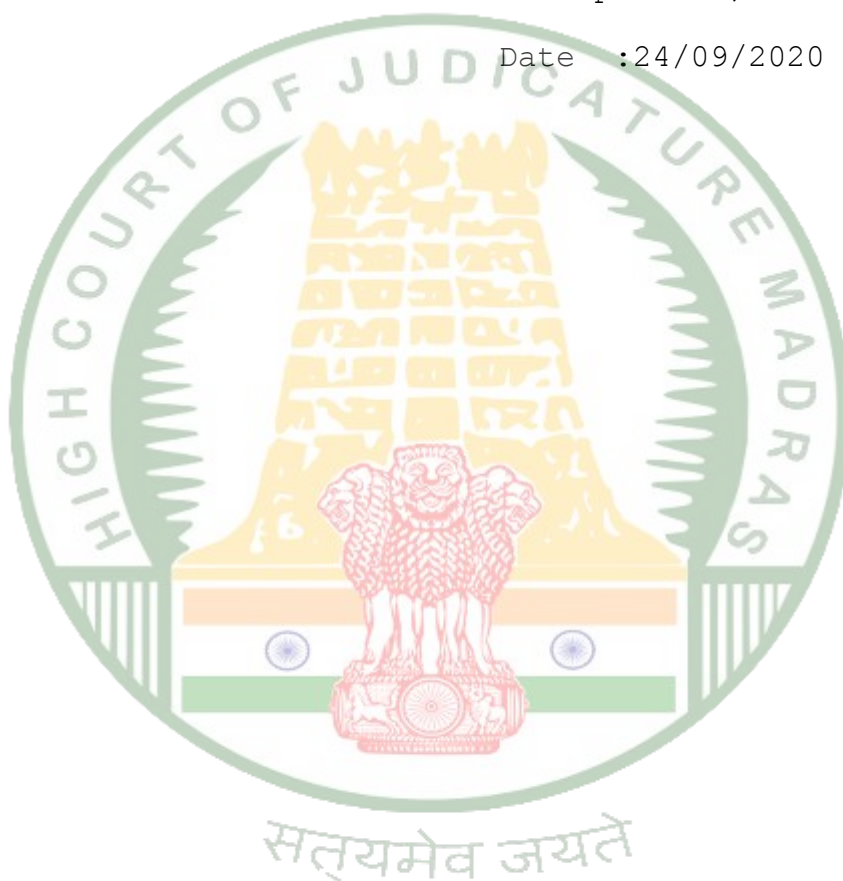
3 THE INSPECTOR OF POLICE
F5 CHOLLAIMEDU POLICE STATION,
CHENNAI 600094.

+1 CC to M/S N.GANESHMURTHY Advocate on payment of necessary
charges SR.No.6431

CRL Ops.8298, 7758 & 7756/2020

Date :24/09/2020

cs 12/10/2020



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