

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10985 of 2020

and

Crl.M.P.No.4678 of 2020

1.G.R.Ramya, 33 years,

D/o.G.Raja,

2.M.Rajeshkumar 27 years,

S/o.Mohandass,

3.Thiyagarajan 35 years,

S/o. Not known,

All are residing at,

No.8/2, Maruthy Street, Gandhi Nagar,

Saligramam, Chennai - 600093. ... Petitioners/Accused Nos.1, 2 & 7

Vs.

The State represented through,

The Inspector of Police,

Crime Branch, R5, Virugambakkam Police Station,

Virugambakkam, Chennai - 93

Crime No.503 of 2020. ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of her arrest by the respondent police in Crime No. 503 of 2020, on the file of the Inspector of Police, Virugambakkam Police Station, Chennai.

For Petitioners : Mr.Lakshmi Narayanan,

Senior counsel

For Mr.J.Kingsly Solomon

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

For Intervenor : Mr.K.Thangarasu

O R D E R

(The 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 408, 420, 465, 468, 471 and 477A of IPC, in Crime No. 503 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., D.Harikrishnan, Manager of the "Vishal Film Factory" is that the first petitioner was working as an accountant, one Sivaganesan was working as an Assistant and one Sarvanan was working as a Cashier and that the first petitioner was in-charge of all the accounts monetary and income tax transactions. Whiles, the first accused had by fabrication of documents, falsification of accounts and illegal diversion of funds committed criminal breach of trust and misappropriated amounts to the tune of Rs.45,00,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and that a false complaint has been given against them. He would submit that the defacto complainant committed acts of income tax evasion and in order to escape from the penal provisions of the Income Tax Act, the first petitioner and others have been made as scape goats. He would further submit that during the course of enquiry a car belonging to the second petitioner worth Rs.17 lakhs has been taken over by the defacto complainant under threat and that the petitioner without prejudice to her contentions had also repaid an amount of Rs.10,00,000/-, to the defacto complainant. He would submit that the first petitioner was harassed to an extent of committing suicide and that since she was threatened by the defacto complainant, she has given a complaint against the defacto complainant before the Inspector of Police, Virugambakkam Police Station.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the first petitioner was working as an accountant in the office of the Defacto complainant and that she had committed fabrication of documents and by falsification of accounts had illegally diverted amounts to the tune of Rs.45,00,000/-, to various accounts belonging to her relatives and thereby, she had committed Criminal breach of trust and cheated the defacto complainant to the tune of Rs.45,00,000/-. He would submit that the investigation is in the preliminary stage and that there is every possibility that the amounts may be higher also. He would submit that the complaint of the defacto complainant is dated 02.07.2020 and the FIR was registered against the petitioners on 07.07.2020 after preliminary enquiry.

5. At this juncture, the learned counsel appearing for the petitioners would submit that since the first petitioner was harassed, she had given a complaint on 05.07.2020, whereas FIR has been registered only subsequently.

6. In reply, the learned Additional Public Prosecutor would submit that the complaint of the petitioners dated 30.06.2020 was received by the respondent police on 02.07.2020 at 06.15 p.m., and after preliminary enquiry, the case was registered on 07.07.2020. He would submit that after coming to know that the complaint was given against the petitioners on 02.07.2020, the petitioners in order to pre-empt the respondent from taking action against them, have given a complainant to Virugambakkam Police Station on 05.07.2020, which is later to the complaint on 02.07.2020.

7. The learned counsel for the intervener would submit that the first petitioner was working as an account in the office of the

defacto complainant. The first petitioner abusing her possession by fabrication of documents and falsification of accounts, had illegally diverted amounts to the tune of more than Rs.45,00,000/-. He would further submit that the first petitioner was incharge of the entire accounts and that she has interfered with the electronic records and has created the havoc in the office of the defacto complainant. As on today, an amount of Rs.45,00,000/- has been misappropriated by the first petitioner in collusion with her relatives and friends. He would submit that the investigation is in the initial stage and that if the petitioners granted anticipatory bail, there is every chance that they will interfere with the investigation and tamper with the records and electronic records.

8. Taking into consideration the facts and submissions made by the learned counsels and considering the fact that the investigation is at initial stage and that the custodial interrogation is required, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition closed.

-sd/-

12/08/2020

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.

[*]corrected copy to be substituted for the order already despatched on 11/09/2020.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XXIII, SAIDAPET, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CRIME BRANCH, R5, VIRUGAMBAKKAM POLICE STATION,
VIRUGAMBAKKAM, CHENNAI-93.

+1 CC to M/S.J.KINGSLY SOLOMON Advocate on payment of necessary charges sr no.5917

CRL OP.10985/2020

AND CrI.M.P.No.4678 of 2020

Date :12/08/2020