IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16820 AND 16821 of 2018

ARVIND KUMAR JAIN [PETITIONER IN CRL.O.P.NO.16820/2018]

DARSHAN [PETITIONER IN CRL.O.P.NO.16821/2018]

Vs

THE STATE REPRESENTED BY [RESPONDENT IN BOTH THE PETITIONS]
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VELLORE, VELLORE DISTRICT.
CR.NO.16 OF 2018 AND
CR.NO.06 OF 2018

For Petitioner : M/S.M.SATHISH KUMAR Advocate
[IN BOTH THE PETITIONS]

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor
[IN BOTH THE PETITIONS]
[DATED 10/08/2018]

: MR. A.GOPINATH, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]
[DATED 01/09/2021]

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

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P.Nos. 16820 and 16821 of 2018, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120, 420 and 294(b) of IPC in Crime Nos.16 and 6 of 2018 respectively, seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that there are yet another accused by name one Vishnu Pradeep, who is the sales executive, collected huge money from the two persons, in Crime No.16 of 2018 collected Rs.12,04,126/- and in Crime No.06 of 2018 collected Rs.10,10,000/-. However, the said amount collected in the name of companies, but, the same was spent for his his personal expenses. However, the money was collected in the name of the company, the person, who had cheated the company, for which, the defacto complainant filed a complaint before the respondent police.

4. The learned counsel for the petitioners would submit that the petitioners have not commit any offences as alleged by the prosecution. He would submit that in fact the petitioners are Managing Director of the said company. He entrusted one Vishnu pradeep, sales executive, who was collected money from the complainant and the same was not credited in the account of the company and he had taken the money through another new account, which was opened by the sales executive and diverted the amount. It was not known to the petitioner and hence, the petitioners pray anticipatory bail.

5. The learned Additional Public Prosecutor would submit that the general public deposited the money on the belief of the petitioner, the company, which is run in the name of Sayar Automotive Private limited and merely because, the accused person collected the money for his own purpose.

6. Taking into consideration the facts of the case and submissions made by both the counsels, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7. 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 No.V, Vellore,** on condition that the each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties 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 fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] each of the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakh only) to the credit of the Crime Nos. 16 and 06 of 2018 respectively, without prejudice to their defence;

[c] the petitioners shall report before the respondent daily at 10.30.a.m., until further orders.

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

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

[f] On breach of any of the aforesaid conditions, the learned Trial Judge 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 Trial Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

-sd/-
10/08/2018

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.

(*) Being mentioned and all the other observations made in the earlier order dated 10.08.2018 shall remain intact, as per order of this Court dated 01/09/2021.

TO

1 **(*)THE Judicial Magistrate, No.V, Vellore,**

2 THE JUDICIAL MAGISTRATE,
NO.I, VELLORE, VELLORE DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VELLORE, VELLORE DISTRICT.

CC to M/S.M.SATHISH KUMAR Advocate on payment of necessary charges

CRL OP.16820 & 16821 /2018

Date :10/08/2018

TA-20/08/2018
RW 20/10/2021