

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.5244 of 2020

1. R. Nerhudassan
2. R. Lakshmanan
3. M. Venkatesan

... Petitioners

Vs.

The State Rep. by
The Inspector of Police
Central Crime Branch,
Team - V, Forgery Wing,
Vepery, Chennai 600 007.
(Crime No.347 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest by the respondent police connected with Crime No.347 of 2019 on the file of the respondent police.

For Petitioners : Mr.Mohanraj

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 419, 420, 465, 467, 468, 471 & 120-B of I.P.C in Crime No.347 of 2019, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are A2 to A4. The allegation is that the petitioners are Directors of M/s Cassel Research Laboratories Private Limited and the company has an extent of land in Thirumudivakkam. The petitioners without the authorisation of the defacto complainant who is also one of the Director of the Company have sold the land. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the property belongs to the Company in which the petitioners are directors. In the year 2015 the defacto complainant himself was removed from the Director Post. Earlier the board passed a resolution to sell the property, subsequently in the year 2019 to discharge the loan borrowed by the company, the land was sold. At the time of the sale took place, the petitioner was not the Director, and he was removed from the power in the year 2015 itself. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that , now a notice under Section 41(A) of Cr.Pc has been issued to the petitioner and enquiry was also conducted. Therefore, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and it is a dispute among the Directors of the Company and the materials available on record prima facie shows, that the land was sold to discharge the loan borrowed by the company and a resolution also passed to that effect, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned CCB, CBCID., Court, Egmore, Chennai, on condition that the petitioners shall execute a 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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.

[b] the petitioners 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 petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
21/01/2021

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 CCB, CBCID COURT,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM - V, FORGERY WING,
VEPERY, CHENNAI-600 007

+1CC to M/S. M.S.GOVINDARAJAN Advocate on payment of necessary charges SR NO.718

CRL OP.5244/2020

Date :21/01/2021

MK:03/02/2021

WEB COPY