

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6705 of 2021

1 K.SUBRAMANIAM

[ PETITIONERS / ACCUSED ]

2 SILAMBARASAN

Vs

STATE REP BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH, TEAM-XXI,  
VEPERY, CHENNAI.  
(CR.NO.28/2020)

For Petitioner : M/S.WARAON AND SAI RAMS Advocate

For Respondent : MR.T.SHUANMUGARAJESWARAN,  
Government Advocate (crl.side)

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 420, 465, 468, 471 read with 34 and 109 of IPC in Crime No.28 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are the partners in a partnership business under the name and style of Phoneix Motors which was operating Tata Motors car showrooms at Red Hills, The firm was constituted under the deed of partnership dated 03.08.2018. The Firm had availed financial facilities from ICICI Bank. For which, the partners had also executed the loan documents, mortgage deeds, deed of guarantee in favour of the said Bank for availing loan. After getting loan, the petitioners and other accused have created a fake codicil for operating the bank account and misappropriated the loan amount of Rs.11/- Crores. Based on the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioner and the other accused persons.

3. The learned counsel appearing for the petitioner submitted that the petitioner has repaid nearly a sum of Rs.5 1/2/- Crores to the defacto complainant and co-accused has already been enlarged on bail. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that investigation is still pending.

5. Considering the facts and circumstances of the case and also the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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-I, Poonamallee, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 everyday at 10.30 AM 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/-  
27/04/2021

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 JUDICIAL MAGISTRATE,  
NO.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH, TEAM-XXI,  
VEPERY, CHENNAI.

+2 CC to M/S.WARAON AND SAI RAMS Advocate on payment of necessary charges SR.No.5378

CRL OP.6705/2021

Date :27/04/2021

cs 30/04/2021

WEB COPY