IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Crl.O.P.No. 9128 of 2021
and Crl.M.P.No.5964 of 2021

Sripal Jain ... Petitioner/ Accused-4

Vs.

State rep. by
The Assistant Commissioner of Police,
Central Crime Branch – II, EDF-II,
Vepery,
Chennai – 600 007. ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to release the petitioner on bail, arrested by the respondent namely the Assistant Commissioner of Police, Central Crime Branch – II, EDF-II, Vepery, Chennai – 600 007 in Crime No.92 of 2020.

For Petitioner : Mr.P.Wilson, Senior Advocate
for M/s.Ramesh Kumar Chopra

For Defacto
Complainant : Mr.P.Kumaresan

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner was arrested and remanded to judicial custody on 30.03.2021 for the offences punishable under Sections 403, 471, 477A, 120B, 465, 468, 420 and 409 of IPC in Crime No.92 of 2020 on the file of the Assistant Commissioner of Police, Central Crime Branch-II, EDF-II, Vepery, Chennai – 600 007. Subsequently, the Police custody was granted to the accused from 01.04.2021 to 06.04.2021 and thereafter, the petitioner was remanded to the Judicial Custody on 05.04.2021.

2.The case of the prosecution is that the defacto complainant M/s.Gateway Office Parks Private Limited (GOPPL) had entered into a development management agreement with M/s.Global Entropolls (VIZAG) Private Limited (GEVPL) with respect to the project at Perungalathur. Consequent upon this agreement, one Ramprasad Muthu Narayan Reddy was authorised by GOPPL to manage the project and handle the financial transactions. But the said Ramprasad Muthu Narayan Reddy allegedly diverted funds of GOPPL to some fictitious companies, in one of which, the present petitioner is a Director. The present petitioner has been arrayed as A4 and the said Ramprasad Muthu Narayan Reddy and his parents have been arrayed as A1 to A3 respectively. A1 to A3 are reportedly absconding and are yet to be nabbed. According to the prosecution, the total amount involved is to the tune of Rs.100 Crores, out of which, the present petitioner and his family have siphoned off of Rs.36.39 Crores.

3.Mr.P.Wilson, Senior Counsel assisted by Mr.Ramesh Kumar Chopra, learned counsel for the petitioner contended that the petitioner is the Managing Director of M/s.Salem Stainless Steel Suppliers Private Limited. The respondent Police had frozen the account of the petitioner. His further contention is that on further investigation, it was found that there was no illegal transaction in the frozen account belonging to the petitioner and consequently, the account was de-frozen by the Police. The learned Senior Counsel has further contended that the petitioner has already accounted for the transactions, for which GST was also paid, and also that the Judicial Custody has crossed 52 days. His specific contention is that the petitioner has produced purchase orders and invoices of supply to show the delivery of materials, bank guarantee, letter of undertaking before the Assistant Commissioner of GST and Central Excise, Parris Division and in such an event, the accused cannot be said to be involved in the offence. The learned senior counsel also drew the attention of this Court to the medical records of the petitioner and contended that the petitioner is a diabetic patient and in the present pandemic situation, likelihood of infection in the crowded jail may be hazard for his health. He, therefore, prayed this Court for enlargement of the accused on bail on sympathy ground also.

4.Mr.E.Raj Thilak, Government Advocate (Criminal Side) opposed the bail application and contended that other accused are yet to be arrested and that the investigation has not been concluded.

5.Mr.P.Kumaresan, learned counsel appearing for the defacto complainant contended that the main crux of the prosecution is siphoning off the defacto complainant's company money to the tune of Rs.100 Crores and in the instant case, the funds were earmarked for construction of 5 towers in the property belonging to the defacto complainant's company. He further contended that all the accused are belonging to the same family and that they were found to be running fictitious company and all the amount had been transferred to those banks. He therefore prayed for dismissal of the petition.

6.It is seen that the petitioner, in the instant case, has been charged for the offences punishable under Sections 409, 420, 465 and 468 of IPC and he has been in Judicial custody for the past 52 days.

7.Considering the medical records of the petitioner and the present impending risk due to COVID-19 infection and with the findings of the Investigation Officer as regards "no illegal transaction in the account of the petitioner", this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(a) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) before the Superintendent, Central Prison, Puzhal and thereafter on his release, shall execute a bond for Rs.25,000/- with two sureties for like sum each to the satisfaction of the learned Judicial Magistrate No.I, Tambaram within a period of two weeks from the date of the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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 petitioner 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
19/05/2021

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,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ASSISTANT COMMISSIONER OF POLICE,
CENTRAL CRIME BRANCH-II,
EDF-II, VEPERY,
CHENNAI 600 007

+1CC to M/S.RAMESH KUMAR G.CHOPDA Advocate on payment of necessary charges SR.NO.6242

CRL.OP.NO.9128 of 2021
& CRL.MP.NO.5964 of 2021

Date :19/05/2021

MK:21/05/2021