

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.9611 of 2021

1.C.R.Pavan
2.Pramoda

... Petitioners

Vs.

State, rep.by
The Inspector of Police,
Cyber Crime Cell,
CBCID, Chennai - 08,
(Crime No.04 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.4 of 2021 on the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

For Respondent : Mr.A.Damodaran
Govt. Advocate (CrI.Side)

O R D E R

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
294(b), 384, 506(i) of I.P.C. and Section 3 and 4 of Tamil Nadu
Prohibition of Charging Exorbitant of interest Act 2003 and Section
67 Technology Act, 2000, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners are
the Directors of the Company viz., TRUE KINDLE Technology Pvt. Ltd.,
and the said Company provided loan to the customers through the apps
and they have demanded exorbitant interest. Hence the complaint.

3. The learned counsel appearing for the petitioners would
submit that the petitioners are no way connected with the offence and
they are only working in the Company. The other accused persons were
arrested and released on bail. Hence, he prays to grant anticipatory
bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners are arrayed as A3 and A4. A1, A2 and A5 are Chinese Nation, A1 and A2 are arrested and released on bail and A5 is absconding. The petitioners herein are the Directors of the Company, through which they gave loan to the customers with exorbitant interest. He further submitted that the enquiry is still pending. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances, and considering the fact that the petitioners are the dummy Directors of the Company and other accused are granted bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned XI Metropolitan Magistrate, Saidapet, on condition that the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the respondent police after two weeks daily at 10.30 a.m. 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

27/05/2021

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 XI METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
CYBER CRIME CELL, CBCID,
CHENNAI - 08.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.9611/2021

Date :27/05/2021

RVR 05/07/2021

WEB COPY