

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

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

Crl.O.P.No.9717 of 2021

Veerasamy

... Petitioner/A3

Vs.

State Rep. by

The Inspector of Police

Mettupalayam Police Station,
Puducherry.

Crime No.185 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.185 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Gandhi Kumar

For Respondent : Mr.Bharath Chakravarthy
Public Prosecutor (Puducherry)

O R D E R

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
120(B), 420, 465, 466, 471 of IPC in Crime No.185 of 2020, on the
file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Anuradha / A1 is the
auction purchaser of the defacto complainant's property. The
petitioner / A3 is entered into a lease deed with A1 to run the
Company. The defacto complainant lodged a complainant against the
petitioner that the petitioner run a company with a fake licence.

3. The learned counsel appearing for the petitioner would submit
that one Adhimoolam defacto complainant is a Managing director of
M/s.Jayasakthi Leathers (P) Ltd., then M.D. one P.G.Gopalan obtained
loan from PIP DIC for settling the company. The present defacto
complainant who is the M.D of the company paid the loan amount
periodically for some times. Then due to loss in the business, the
instalment was not paid. Hence the PIP DIC took possession of the
company assets under the SARFAESI Act and sold the property in Public
auction to one Anuratha /A1 on 10.07.2014 then the sale was confirmed

on 18.06.2015. Thereafter, A1 executed the lease deed in favour of M/s.S.M.R.Paper Cup Industries represented by its Managing director / petitioner /A3. The petitioner applied for licence before the concerned authority and after getting electricity connection and licence from Commissioner of Villiyanur Commune Panchayat, he run the factory only for four months and closed the company during the year 2016 and he is no way connected with the defacto complainant nor A1. Due to the dispute between A1 and the defacto complainant with regard to auction of the property, a complaint was lodged against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Public Prosecutor (Puducherry) appearing for the respondent submitted that one Anuradha / A1 is the auction purchaser of the defacto complainant's property. The petitioner / A3 entered lease deed with A1 to run the Company. He further submitted that earlier proceedings are pending in several stages, but the petitioner closed the company in the year 2016.

5. Considering the above fact and circumstances of the case and taking note of the fact that even the prosecution also admits the company was closed in the year 2016 itself, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned Judicial Magistrate No.IV, Puducherry, on condition that the petitioner 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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].

[f] If the accused thereafter abscond, 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 THE JUDICIAL MAGISTRATE,
NO.IV PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHEERY (FOR INFORMATION)

3 INSPECTER OF POLICE,
METTUPALAYAM POLICE STATION,
PUDUCHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

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

CRL OP.9717/2021

Date :27/05/2021

RVR 05/07/2021