



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twelfth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.13944 of 2021

GUNARATNAM SANGARANG

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KELAMBAKKAM POLICE STATION,
KELAMBAKKAM, CHENGALPATU DISTRICT.
Cr.No.250 of 2019.

[RESPONDENT]

For Petitioner : M/S.D.R.RAGHUNATH Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 441 and 506(i) IPC, in Cr.No.250 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are business partners in M/.JGGR Innovative and they are engaged in the business of manufacturing Incense Sticks (Agarbathies) and the 2nd accused is the landlord of the business premises of the petitioner's partnership Firm. In the partnership business, the defacto complainant has invested nearly a sum of Rs.1,44,82,608/-. It is alleged that the petitioner has diverted the funds for his personal benefits, colluding with the 2nd respondent and thereby not used the money for the business purpose and did not share any profits. When the defacto complainant tried to enquire about the illegal acts of the petitioner, it came to light that the petitioner has escaped to Malaysia and thereafter the defacto complainant contacted him while he returned India and asked for money, however, the petitioner thrown the defacto complainant out of the house and threatened him with dire consequences. Hence the defacto complainant lodged a police complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further



the learned counsel submitted that for the very same issue, already arbitration proceedings in Application NO.3606 of 2019, is pending before this Court, wherein this Court has appointed an Advocate Commissioner to verify the assets of the Partnership Firm and the Advocate Commissioner by its report stated that all the raw materials, finished goods and machineries are in the factory premises and therefore, it is clear that the petitioner did not misuse the materials of the Partnership Firm. Further the Partnership Concern had incurred loss only due to the illegal trespassing and sudden locking down of the factory premises by the 2nd accused and prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is in preliminary stage in this case and there are no previous cases pending against the petitioner.

5. Considering the facts and circumstances of the case it appears that there is a business dispute between the petitioner and the defacto complainant, for which, arbitration proceedings are pending before this Court in Application No.3606 of 2016. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Chengalpattu, 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 and on further condition that:

(a) the petitioner shall surrender his Passport before the respondent Police.

(b)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c)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;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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



(f) 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]; and;

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

-sd/-
12/08/2021

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,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
KELAMBAKKAM POLICE STATION,
KELAMBAKKAM, CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.D.R.RAGHUNATH Advocate on payment of necessary charges SR.NO.8587

CRL OP.13944/2021

Date :12/08/2021

INBA 23/08/2021