

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17164 of 2020

1 S.CHANDRU
2 I.MUTHUPANDIAN
3 S.NATARAJAN

[PETITIONERS / ACCUSED]

Vs

[RESPONDENT]

THE STATE REP. BY
INSPECTOR OF POLICE,
MARAIMALAI NAGAR,
KANCHEEPURAM DISTRICT,
(CRIME NO.4396 OF 2020).

For Petitioner : M/S. S.SANTOSH Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S R.BALACHANDERAN Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 420, 423, 465 and 468 of IPC in Crime No.4396 of 2020, on the file of the respondent police, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that, the defacto complainant's father is one of the Director of the company. After his demise, his shares were transferred without the knowledge of the defacto complainant. Hence, the complaint.

4.The learned counsel appearing for the petitioner would submit that the dispute is purely civil in nature, which culminated in to a crime. He further submitted that alternate remedy is available to the defacto complainant to approach the competent court for challenging the transfer of shares. Hence, he seeks for grant of anticipatory bail to the petitioner.

5.The learned Additional Public Prosecutor did not dispute the submission of the learned counsel for the petitioner.

6.The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner.

7.Considering the facts and circumstances of the case and also considering that alternate remedy is available, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-II, Chengalpet, within a period of 15 days from the date of receipt of a copy of this order, on executing 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 conditions 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 abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/04/2021

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.II, CHENGALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MARAIMALAI NAGAR,
KANCHEEPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.SANTOSH Advocate on payment of necessary charges
Sr.4908

CRL OP.17164/2020

Date :16/04/2021

RVR 28/04/2021

WEB COPY