



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.01.2022

CORAM:

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

Cr1.O.P.No.1406 of 2022

E.Srinivasan

.. Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Economic Offence Wing,
Chennai.

Crime No.10 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of her arrest in Crime No.10 of 2020 which is pending on the file of the respondent Police .

For Petitioner : Mr.S.Kumaresan
for Mr.B.Gopalakrishnan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420, 409 and 120(B) of IPC, in Crime No.10 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant namely Ms.A.Sangeetha, lodged a complaint dated 10.09.2020 to the respondent police alleging that she is working as Manager in the Access Health Care Private Limited from 2017 onwards. The petitioner also worked in the said company during the period of 2018 to 2019. During that period introduced one Baskara Kannan, who is A1 and informed that he is running business under the name and style of Point Business Consultants Private Limited. The petitioner informed that a sum of Rs.37,500/- will be deposited in the said company account then the said Baskara Kannan invest the same in online trading business and he will give benefits to the investors. Hence, the defacto complainant invested a sum of Rs.12,32,500/- by part



directly into the company account and received a sum of Rs.5,50,000/- as profits upto 09.04.2019. Thereafter, the said company not given profit and also his deposited amount and they cheated the defacto complainant. Based on the above complaint a case has been registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the respondent police. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner instigated the defacto complainant to make the investment and subsequently he was not responded and he has not repaid the profit amount. So there was a dispute between the parties in the year 2019 itself. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a). Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Chief Metropolitan Magistrate, Egmore 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 is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the Crime No.10 of 2020 on the file of the learned Chief Metropolitan Magistrate, Egmore, within a period of fifteen (15) days after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below and the complaint company access health care is permitted to withdraw the amount on undertaking affidavit;

[b] the petitioner and 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;

[c] the petitioner shall report before the respondent police as and when required for an interrogation;



[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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 petitioners in accordance with law as if the conditions has been imposed and the petitioner is 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/-

31/01/2022

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 CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S B.GOPALAKRISHNAN Advocate on payment of necessary charges SR.No.1578

CRL OP.1406/2022

Date :31/01/2022

CSK 11/02/2022