



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Ninth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6317 of 2022

1 R.KRISHNAMURTHY
2 D.DHAYALAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
R-5 VIRUGAMBAKKAM POLICE STATION,
CHENNAI.
CRIME NO.189 OF 2022.

[RESPONDENT]

For Petitioners : M/S.V.S.SENTHILKUMAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC in Crime No.189 of 2022 are before this Court seeking anticipatory bail.

2.The dispute between the Directors of the Company had led to filing a criminal complaint against the petitioners, as if the petitioners were separated and taken away the vehicles of the company. However, an affidavit filed by the 1st petitioner indicates that the entire dispute between the Directors of the company for abrasion and mismanagement has now been ceased by the National Company Law Tribunal (hereinafter referred to "NCLT") and the matter is pending. In fact, nine vehicles, which are admittedly in possession of the first petitioner herein, are subject to out come of the NCLT proceedings.



3. In such circumstances, this Court is inclined to grant anticipatory bail to the petitioners.

4. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, and on condition that each of the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh 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 and on further condition that:

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

(b) the petitioners 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 petitioners shall give an undertaking that they will not alienate or encumber the nine vehicles, which are the subject matter of the complaint;

(d) the petitioners shall report before the Investigation Officer as and when required for interrogation.

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

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

(g) 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]; and;



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

WEB COPY

-sd/-
29/03/2022

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 METROPOLITAN MAGISTRATE,
NO.XXIII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
R-5 VIRUGAMBAKKAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.S.SENTHILKUMAR Advocate on payment of necessary charges SR.NO.4861

CRL OP.6317/2022

Date :29/03/2022

JPA 01/04/2022