



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirty First day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7253 of 2022

VIVEK ANAND

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
CRIME BRANCH,
EDF -I, WING VEPERY,
CHENNAI 600 007.
CRIME NO.18 OF 2022

[RESPONDENT]

For Petitioner : M/S.G.VIJAYANAND 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 petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 406 r/w Section 34 of IPC in Crime No.18 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.Heard the counsel for the petitioner and the learned Government Advocate (Crl. Side).

3. This is a case of criminal breach of trust against the petitioner given by one of the Directors of the Company in which the petitioner is co-director.

4. On reading of the FIR indicates that for the past five years the petitioner and the defacto complainant were directors of the company by name and style of "FLYONE JUSJUMP PRIVATE LIMITED" and partners in " FLYFIT GYM CENTRE". The petitioner, Doctor by profession running the clinic and he had been seasonally taken board in the company as a Director and all of sudden turn around and



made an allegation that he was forced to avail loan in his name and investing in the company. When the defacto complainant asked for the money back, he was threatened by the petitioner herein and his family members.

3. This Court is of the view that it is purely money dispute between the Directors of the company and the criminal colour has been given to this matter. From the counter, the learned Government Advocate (crl. Side) has stated that this petitioner had not participated in the enquiry when notice under Section 41A of Cr.P.C was served on him. The petitioner could not be granted anticipatory bail, since liberty will be misused by him. However, when the summon was served in the name of the petitioner herein, his Wife has informed that the petitioner was abroad and he will not attend the enquiry .

4. In the light of the above fact, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned XI Metropolitan Magistrate Court, Saidapet, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 Investigating Officer daily at 10.30 a.m., until further orders and also co-operate for the investigation;

(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 petitioner in accordance with law as if the conditions have 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/-
31/03/2022

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.XI, SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE
CRIME BRANCH, EDF -I,
WING VEPERY, CHENNAI 600007.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.VIJAYANAND Advocate on payment of necessary charges SR.NO.4995

CRL OP.7253/2022

Date :31/03/2022

JPA 07/04/2022