



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7405 of 2022

in Crl.M.P.No.4524 of 2022

1.B.Baskar
2.Kamesh Kumar

.. Petitioners

Vs.

The Central Crime Branch-II,
Team-IV,
Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai-600 007.
(Crime No.311 of 2020)

.. Respondent

S.HARIKRISHNAN

[PETITIONER/INTERVENER
DEFACTO COMPLAINANT]

[ORDERED AS PER ORDER OF THIS COURT DATED 04/04/2022 IN
CRL.MP.4524/2022 IN CRL.O.P.NO.7405/2022]

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.311 of 2020 dated 23.11.2020 on the file of the respondent police.

For Petitioners : M/s.Nithyaesh and Vaibhav

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

For Intervenor : Mr.K.Kannan

ORDER

The petitioners, who were arrested for the alleged offences under Sections 409, 465, 468, 471 and 34 of IPC, in Crime No.311 of 2020, on the file of the respondent police, seek bail.

2. Heard the learned counsel for the petitioners and the intervenor.



3.The dispute between the Directors has led to the complaint alleging that the first petitioner and the second petitioner/Accountant forged the signature of the defacto complainant and withdrawn money from the bank. Out of 17 cheques, which is alleged to have been forged, the prosecution has sent it for forensic expert opinion and found that the seven cheques were forged by the petitioner Baskar and three cheques were forged by the Accountant Kamesh Kumar. These petitioners are in prison for more than 42 days. The investigation is substantially completed.

4.Learned counsel for the petitioner states that the cash was withdrawn in the year 2018 and only after reconciling the account in 2019, the first petitioner was relieved from the directorship of the defacto complainant's Company. Earlier to this, a sum of Rs.30 lakhs was paid to one Sivagurunathan, Associate of the defacto complainant and the defacto complainant, suppressing the said fact, has filed a false complaint. The allegation and the counter allegations are the subject matter of trial and as on date, since the substantial portion of the investigation is over and the allegation made in the complaint can be investigated based on the records, this Court is of the view that the petitioners may be granted bail. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(a) Each of the petitioners shall execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)** with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Egmore;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioners are directed to report before the Investigating Officer daily at 10.30 a.m. till the completion of the investigation.**

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

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

WEB COPY

-sd/-
04/04/2022

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 JUDICIAL MAGISTRATE,
EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE CENTRAL CRIME BRANCH - II
TEAM - IV, COMMISSIONER OFFICE BUILDING,
EVK SAMPATH ROAD, VEPERY,
CHENNAI-600 007.

5 THE OFFICER INCHARGE
SUB JAIL, SAIDAPET.

+2 CC to M/S.NITHYAYESH AND VAIBHV Advocate on payment of
necessary charges SR.NO.5040

CRL OP.7405/2022
in Crl.M.P.No.4524 of 2022

Date :04/04/2022

TA-05/04/2022