



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.11075 of 2022

1 K.VENKATESWARAN
2 SURESH

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
AMBATTUR ESTATE POLICE STATION,
AMBATTUR, CHENNAI
CRIEM NO. 86 OF 2022

[RESPONDENT]

NOT TRANSFERRED TO
INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
EDF, AVADI, CHENNAI

For Petitioner : M/S. A.S.ASWIN PRASANNA Advocate

For Respondent : MR. S.UDHYAKUMAR, 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 IPC, in Crime No.86 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner and the defacto complainant have created software development for their companies and for software sales. The resources and expenses were met by both the companies. The 2nd petitioner is the member of the software team. While being so, the first petitioner had accessed all the email service regarding the business related promotion financial and other particulars from the date of inception of software development with the help of the 2nd petitioner in breach of contract. The company commissions, financial transaction were cheated by the petitioners.



3. The learned counsel for the petitioners submitted that the first petitioner and the defacto complainant are partners of three companies and they never misappropriated any amount or suppressed any information from the company. He further submitted that as of now, they dissolved the partnership between themselves and a false case has been foisted as against the petitioners. Hence, he pleads anticipatory bail to the petitioners.

4. The learned Government Advocate (crl. Side) submitted that the petitioners conspired together and accessed all the email service regarding the business related promotion and also suppressed the same from the defacto complainant. He further submitted that now the partnership firm is dissolved.

5. Considering the above said facts and circumstances of the case, and also the fact that now the partnership firm is dissolved, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate, Ambattur, on condition that each of the petitioners shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), each 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 petitioners 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;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

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

(d) the petitioners shall not abscond 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 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;



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

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-sd/-
12/05/2022

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
AMBATTUR ESTATE POLICE STATION,
AMBATTUR, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
EDF, AVADI, CHENNAI

CC to M/S. A.S.ASWIN PRASANNA Advocate on payment of necessary charges

CRL OP.11075/2022

Date :12/05/2022

RVR 16/05/2022