



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12679 of 2022

1 S.RAMESH [PETITIONERS / ACCUSED]
2 JAYASEELAM HENRY
3 M.SUJITH KUMAR
4 T.K.S.K.KUMAR

Vs

STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
F4 THOUSAND LIGHTS POLICE STATION,
CHENNAI
CRIMENO.95 OF 2022

For Petitioners : M/S. J.A.S. SATHISH KUMAR Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

For Intervenor : M/S.J.H.INIYAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of IPC in Crime No.95 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had complained about non-receipt of share amount due under a business agreement with M/s. Tibos Solutions and Services Pvt. Ltd. When the defacto complainant demanded dues, he was threatened by the directors of the company. Hence, the complaint.

3.The learned counsel for the petitioners would submit that basically it is a commercial transaction between the parties, however, the defacto complainant has given a criminal colour. The



petitioners have not cheated the defacto complainant. The petitioners are ready to give the share amount to the defacto complainant, which is due to him.

4. The learned Additional Public Prosecutor would submit that there was a business transaction between the petitioners and the defacto complainant. Now, the petitioners have due amount to the tune of Rs.19,68,721/- to the defacto complainant and the petitioners have complied with the conditions regularly. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there was a business transaction between the petitioners and the defacto complainant due to which the petitioners due to the tune of Rs.19,68,721/- to the defacto complainant. Further, this Court has already granted interim anticipatory bail to the petitioners with the conditions to report before respondent police and cooperate for the enquiry. The petitioners also comply with the conditions regularly.

6. Considering the above fact and circumstances of the case, the petitioners complied with the conditions hence the custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 on which the order copy made ready, before the learned XIV Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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 daily at 10.30 a.m. for a period of four weeks and thereafter 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
24/06/2022

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.XIV, EGMORE, CHENNAI

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

3 THE INSPECTOR OF POLICE,
F4 THOUSAND LIGHTS POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S. J.A.S. SATHISH KUMAR Advocate on payment of
necessary charges SR.NO.10057

CRL OP.12679/2022

Date :24/06/2022

JPA 29/06/2022