



Crl.O.P.No.19422 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468, 471, 420 IPC r/w Section 34 of IPC in Crime No.90 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had acquaintance with the first accused who is her husband's family friend and also the owner of Sri Sai Ram Paper Mills Private Limited. The fourth accused is being Director of Sri Sai Ram Paper Mills Private Limited represented that on 10.12.2012 entered into a sale agreement with second and third accused to purchase the Gajjanand Papers for total sale consideration of Rs.2.60 crores. They also paid an advance of Rs.70 lakhs. Further represented that they would appoint the defacto complainant as Non Executive Director of Sri Sai Ram Paper Mills Private Limited and induced to join as a shareholder by investing money. Believing the said words and the document shown by the first accused,

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during the month of January 2013, the defacto complainant paid a sum of Rs.25,00,000/- and also was appointed as Director of the said Paper Mills on 01.02.2013. The first and fourth accused in order to pay balance amount, approached the Indian Bank, Kirumampakkam and submitted papers and their application was rejected, since the agreement was about to expire. In order to renew the same, they required a sum of Rs.20,00,000/- and the defacto complainant pledged land document belongs to her husband and obtained loan of Rs.20,00,000/- and the same was given to A1 to A4. As per the agreement entered between Sri Sai Ram Paper Mills Private Limited and Gajjanand Papers Mills, in order to pay loan of Rs.2.5 lakhs to the Syndicate Bank, he pledged her jewels and obtained loan. The first accused without getting permission from the Directors of Sri Sai Ram Paper Mills joined himself as 50% shareholder in the Gajjanand Paper Mills which is against the Articles of Association of the Company. When the defacto complainant was about to take legal action, he gave his 50% share of Gajjanand Paper Mills on 20.08.2015. A2 expelled A4 by Reconstitution of Partnership Deed of Gajjanand Papers dated 11.10.2016. The second and third accused assured to



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register the place and machineries in the name of the complainant as well as in the name of A4.

3. Mr.G.Karthikeyan, the learned counsel for the petitioner would submit that by partnership deed of M/s.Gajjanand Papers dated 18.06.2014, the first accused who is the Managing Director becomes one of the partners of M/s.Gajjanand Papers along with the petitioner. One, Choudry has retired from the partnership firm. By way of another reconstitution of partnership of M/s.Gajjanand Papers dated 20.08.2015, the first accused retired from the partnership and the defacto complainant herein becomes incoming partner. By way of another reconstitution deed dated 18.10.2016, the petitioner retired from the partnership and the defacto complainant continues to be the partner and one, Ramamoorthy became incoming partner. Therefore, the entire allegations as against the petitioner does not constitute any of the offence when the petitioner retired from the partnership firm.

4. Mr.R.Sreedhar, the learned counsel for the defacto complainant / intervenor submitted that all the accused persons induced the defacto



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complainant to deposit amount and received amount. Thereafter, they cheated the defacto complainant. In fact, after issuance of notice under Section 41(A) of Cr.P.C. for his appearance, he never appeared before the respondent for enquiry. Thus, all the accused persons had cheated the defacto complainant to the tune of Rs.1.30 crores. He further submitted that the entire property has now been sold out and no properties available.

5. Mr.V.Balamurugane, Public Prosecutor (Puducherry), appearing for the respondent submitted that the petitioner has committed very serious offence and as such, his custodial interrogation is very much required in this case.

6. It is seen that the first accused was granted anticipatory bail by the court below in Crl.MP.No.2062 of 2022 dated 17.08.2022 on the ground that on the notice issued under Section 41(A) of Cr.P.C., he appeared before the respondent. However, as far as this petitioner, after receipt of notice, he failed to appear for enquiry. Therefore, his



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anticipatory bail petition was dismissed. However, the learned counsel for the petitioner would submit that without prejudice to the rights of defence, the petitioner is ready and willing to deposit any title deed as security.

7. Considering the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit original title deeds (stand in the name of the petitioner or his friends or relatives) not below the value of Rs.1,00,00,000/- (Rupees One Crore only) along with the valuation certificate obtained from the authority concerned to the credit of Crime No.90 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.III, Pudhucherry on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like



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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 petitioner 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 petitioner shall deposit original title deeds (stand in the name of the petitioner or his friends or relatives) not below the value of Rs.1,00,00,000/- (Rupees One Crore only) along with the valuation certificate obtained from the authority concerned to the credit of Crime No.90 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[f] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

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

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