



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM

WEB COPY THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.24300 of 2021

1.Ramanathan
2.Thanga Azhagu

... Petitioners

Vs.

The State Represented by,
Inspector of Police,
City Crime Branch - I, Chennai
Crime No.208 of 2021.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Connection with the Crime No.208 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.R.John Sathyan
for Mr.B.Arul Mozhi Maran

For Respondent : Mr. A.Gokulakrishnan
Additional Public Prosecutor

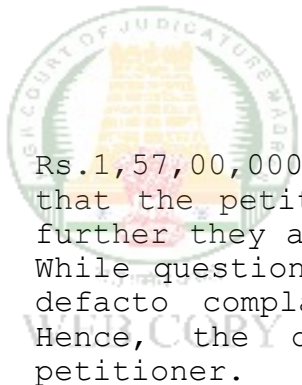
For Intervenor : Mr.Nathan & Associates

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 506(i) of IPC, in Crime No.208 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners were carrying business in the name and style of M/s. Venkateswara Paints and Hardware and the said firm was under debt. While so, the petitioners made a request to the defacto complainant to extent the financial assistance to repay the debts available to their suppliers. In turn, they agreed to start the very same business in another name in which the defacto complainant and his family members will be shared with 75% profit and the petitioners will be shared with 25% profit. Based on such understanding a partnership deed was executed on 10.06.2019 and accordingly the defacto complainant has paid a sum of



Rs.1,57,00,000/- as capital share for the said company. It is alleged that the petitioners have repaid the money only for a meagre amount further they are not providing the share as per the partnership deed. While questioning the same, the petitioners abused and threatened the defacto complainant and further they refused to repay the money. Hence, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to her rights, is ready to deposit the amount of Rs.5,00,000/- (Rupees Five Lakhs only) each to the credit of the Crime Number 208 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners with any conditions.

4.The learned Counsel appearing for the intervenor raised his strong objection for granting anticipatory bail to the petitioners stating that the petitioners swindled all the money borrowed from the defacto complainant in the name of Loan to the tune of Rs.1,71,70,487/-.

5 The learned Additional Public Prosecutor submits that the investigation almost completed and he further submits that civil suit was filed for injunction in OS.5919 of 2021. Hence, he opposed for grant of anticipatory bail to the petitioners.

6. Heard both sides and perused the First Information Report.

7. Taking into consideration the facts and submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

8. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Chief Metropolitan Magistrate Court, Egmore, Chennai 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 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 shall deposit a sum of Rs.5,00,000/- (Rupees five Lakhs Only) each to the credit of Crime Number 208 of 2021 within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier



before the Chief Metropolitan Magistrate Court, Egmore, Chennai. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the amount of Rs.5,00,000/- was deposited by the petitioners to the credit of Crime Number 208 of 2021 within a period of two weeks;

(b) 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.

(c) the first petitioner shall report before the respondent Police on every Wednesday at 10.30 a.m., and the second petitioner shall appear before the respondent police as and when required for interrogation.

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

(e) the petitioners 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 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].

(g) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
20/01/2022

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 CHIEF METROPOLITAN MAGISTRATE COURT,
EGMORE, CHENNAI.

2 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH -I,
CHENNAI.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.C.PRABAKARAN Advocate on payment of necessary
charges SR.NO.899

+1 CC to M/S.NATHAN AND ASSOCIATES Advocate on payment of
necessary charges SR.NO.989

CRL OP.24300/2021

Date :20/01/2022

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