



Crl.O.P.No.26583 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 343, 384, 506(i) of IPC in Crime No.469 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant B.Ramkumar is that his brother B.Karthik was working as a Transport Co-ordinator in the Harsha Toyota Showroom, Madhavaram, Chennai and that on 28.07.2022 at about 8.00 a.m. , he had gone to work and he did not come back home. While so, his brother B.Karthik had called his Uncle Radhakrishnan over cellphone and told him that he was confined in a room in Harsha Toyota Showroom, Velappanchavadi, by the Chief Executive Sudhakar Naidu @ Manchu Sudhakar, HR Ganesan @ Ganesan, Kalatharan and Siva @ Sivakumar and that he was compelled to pay Rs.2,00,000/- and based on that on 29.07.2022, the de facto complainant along with his Uncle had gone to the place and paid Rs.2,00,000/- and even thereafter his brother was not released from the



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Velappanchavadi Showroom and he was in continuous harassment by the aforesaid persons by causing life threat. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false complaint has been given by the de facto complainant. He would further submit that the de facto complainant's brother one Karthik was an employee of the petitioner's Showroom and he had misappropriated the Petrol Coupons amounting to Rs.6,10,467/- belonging to the Showroom and he was questioned by the petitioners and other executives, he had admitted to his guilt and he has also agreed to repay the same. Based on which, he had paid a sum of Rs.2,00,000/-, and he has not repaid the balance amount whereas, in order to evade payment, on the instigation of the de facto complainant, a false complaint has been given as if the de facto complainant's brother Karthik was in confinement. Further, based on the complaint given by the petitioners, a counter case in Crime No.417 of 2022 has been registered against the said Karthik for the offence punishable under



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Section 380 of IPC. He would submit the petitioners undertake to abide by any stringent condition imposed by this Court and they are prepared to furnish sufficient sureties. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that it is the case and case in counter. The allegation is that the de facto complainant's brother, who was an employee of the petitioners Showroom had committed theft of Petrol Coupons to the tune of Rs.6,10,467/- and the petitioners/accused had kept him confined in the Office and had taken a sum of Rs.2,00,000/- from the de facto complainant and his relative and further threatened to pay the balance amount. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case and also the submission that it is a case and case in counter and



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further on the complaint given by the petitioners, the counter case was also registered in Crime No.417 of 2022, 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 Judicial Magistrate-II, Poonamallee**, on condition that each of the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioners shall report before the respondent police every day at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m. until further orders.

[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.

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