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Crl.O.P.No.4976 of 2023

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and
Crl.M.P.No.3826 of 2023
A.D.JAGADISH CHANDIRA, J.,

The petitioners, who apprehend arrest at the hands of the respondent/ Police for the offences punishable under Sections 408, 420, 465, 468, 471 and 120-B of IPC in Crime No.183 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant/AIT Resources India Private Limited is that the petitioners along with A2 and A1/Company, fabricated the documents and created fake invoices by forging the signature of one of the Directors of American IT Resource Group Inc., and illegally transferred the amount to the tune of Rs.3.9 crores. Hence the complaint.

3. The learned counsel for the petitioners/A3 & A4 submitted that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the de-facto



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complainant Company ie., American IT Resource Group, Inc. had filed a case in 22-cv-00378 before the United States District Court, Northern District of Illinois and obtained a an ex-parte order dated 14.03.2022 as against A1/Company and in order to execute the ex-parte order of the United States Court, a false complaint had been filed against the petitioners/A3 & A4 by the respondent/Police. The second petitioner is the husband of the first petitioner and he has no role to play in the alleged transaction. He has been unnecessarily roped in this case.

4. He would further submit that the first petitioner to show her bonafides has filed an affidavit of undertaking dated 21.04.2023 before this Court to deposit the original title documents of immovable property, worth about Rs.One Crore and she is also ready to deposit her Passport bearing No.U1718846 before the learned Magistrate to the credit of Crime Number at the time of furnishing sureties. Hence he prays for grant of Anticipatory Bail to the petitioners.

5. The learned Government Advocate (Criminal Side)



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appearing for the respondent submitted that the petitioners are arrayed as A3 and A4. The petitioners, along with A2/Dinesh, had fabricated the documents and created fake invoices and transferred the funds belonging to the de-facto complainant to M/s.Aspire Logix Solutions Inc.,(A1), owned by the petitioners herein and cheated the de-facto complainant to the tune of Rs.3.9 Crores. He further submitted that the investigation is still pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6. Mr.Sivanandan, learned counsel appearing for the Intervenor/De-facto complainant submitted that the petitioners are husband and wife and they, along with A2 and A1/Company fabricated the documents and created fake invoices by forging the signature of one of the Directors of American IT Resource Group Inc., and illegally transferred the amount to the tune of Rs.3.9 crores. Investigation is still pending and if anticipatory bail is granted to the petitioners, there is every possibility that the petitioners fleeing away from justice.



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7. Heard both sides and perused the materials available on record including the FIR.

8. Taking into consideration the facts and circumstances of the case and the copy of the decree of the American Court also the submissions of either sides and the affidavit of undertaking given by the first petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. 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 Special Court for CCB & CBCID Cases, Egmore**, on condition that the each of the petitioners shall execute a separate 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 :



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[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court 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 every day at 10.00 a.m., for a period of four weeks and thereafter every Saturday at 10.30 am., until further orders.

[c]The first petitioner shall deposit the original title documents of immovable property, worth about Rs.One Crore to the credit of Crime No.183 of 2022 (either belonging to herself, friends or relatives) and also the Passport of the first petitioner/A3, before the court at the time of furnishing sureties.

[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;



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[f] 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, as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

[g] if the petitioners herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

10. Accordingly, the Criminal Original Petition is ordered. Consequently, connected miscellaneous petition is also closed.

24.04.2023

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