



WEB COPY



Crl.M.P.No.4372 of 2023
in Crl.O.P.No.25905 of 2022

A.D.JAGADISH CHANDIRA, J.

This Criminal Miscellaneous Petition has been filed seeking to cancel the anticipatory bail granted to the second respondent herein in Crl.O.P.No.25905 of 2022 on 01.11.2022.

2. The case of the petitioner/*de facto* complainant is that he is a citizen of Korea and working as Senior Director in Mobase Electronics India Private Limited having factory at Thodugadu Village, Thiruvallur. The petitioner's Company is engaged in the production of switches and car key sets for Hyundai and KIA company for the past three years. While it was so, on 13.08.2022, when the Company was taking steps to deliver the switch gears to Hyundai company, it was found that there was shortage in the units supplied and on perusal of CCTV footage and other records, it was found that in the similar modus operandi switches and key sets totally valued about more than Rs.2 Crores, were stolen for about 8 times between July, 1st 2022 and 15th August 2022. Similarly on 28.11.2021, theft was



committed and on the complaint given by the petitioner's company, the case in Crime No.343 of 2021 came to be registered. During the course of enquiry, the respondent Police had recovered the stolen properties worth about Rs.10,14,955/- and the investigation is still pending.

3. Further, while personally checking the CCTV footages, the petitioner/*de facto* complainant found that the second respondent/accused, who was earlier the legal counsel to the company, had indulged in the said theft. Thereby, the petitioner's company has given a complaint to the Superintendent of Police against the second respondent/accused and two other named persons and same was forwarded to the first respondent. Based on the said complaint, the case came to be registered in Crime No.275 of 2022 on 08.10.2022 against the second respondent and others for the offence under Sections 147, 452, 323, 427, 381, 211 and 506(i) of IPC.

4. The second respondent/accused had applied for anticipatory bail in CrI.O.P.No.25955 of 2022 and this Court, by an order dated 01.11.2022, had granted anticipatory bail with certain conditions. The further allegation is that the second respondent/accused had not only indulged in theft of car keys but also



indulged in the theft of scrap materials from the company with the connivance of other employees. Further, the accused along with one Balayogi, a local politician, had attempted to assault the petitioner and once again on 16.09.2022, he along with 30 goondas criminally trespassed into the factory and attacked the Managing Director and abused him. Further averment is that the accused had also invented various dubious methods to intimidate the petitioner and other senior persons in the management and also threatened them to withdraw the complaint.

5. The further averment is that the second respondent had arranged one Yuvarani to give a false complaint dated 23.09.2022 against the petitioner. Later during the course of investigation, it was found that the second respondent/accused along with others have induced and set up her to give false complaint, which she had revealed to the Additional Deputy Superintendent of Police. Further, the second respondent/accused, who is an influential person, had taking advantage of his position in the company and the unholy nexus he enjoyed with other staff, has been creating problem in the company and threatening the witnesses. Thereby, the present petition has been filed seeking to cancel the anticipatory bail granted to the petitioner in CrI.O.P.No.25905 of 2022 dated 01.11.2022.



6. Learned Senior Counsel appearing for the petitioner submitted that the petitioner is an innocent Korean national and he along with his management had invested huge money and set up the factory near Thiruvallur and more than 500 families are dependent on the factory. The second respondent/accused was earlier employed in the company and later he had completed Law in Andhra Pradesh and he was promoted as a legal advisor in the company. He further submitted that taking advantage of the position as a legal advisor, the second respondent had involved in several nefarious activities and committed criminal breach of trust, by committing theft of valuable articles from the company. He also submitted that the accused/second respondent had also gone to the extent of threatening the petitioner and other Senior Directors in the company by engaging goondas and they have trespassed into the factory, created ruckus and assaulted the petitioner and other employees. Further, he had also set up immoral women to give false complaints against the petitioner and demanding huge sums for setting the complaints. Since the second respondent is continuously threatening the petitioner, the present petition has been filed seeking to cancel the anticipatory bail given to the second respondent.

7. The second respondent has filed the detailed counter.



8. Mr.Prince Prem Kumar, learned counsel appearing for the second respondent submitted that the second respondent was working as a legal advisor in Mobase Electronics India Private Limited, where the petitioner is working as a Senior Director and during such time, the petitioner had indulged in several illegal and immoral activities and he had gone to the extent of abusing the women employees. Though the second respondent was employed as a legal advisor in the company, finding that the petitioner had indulged in immoral activities by abusing women, he had assisted certain women employees to give complaint against the petitioner and other persons involved in the illegal activities. He further submitted that the petitioner being antagonized with the second respondent had given a false complaint and based on the false accusation, the second respondent was removed from the company. He also submitted that though the occurrence is stated to have been taken place on 24.09.2022, the complaint was given to the respondent Police only on 08.10.2022, based on which, the case in Crime No.275 of 2022 was registered. The second respondent had approached this Court seeking anticipatory bail and he had disclosed all facts and not suppressed anything before this Court. This Court, taking note of the fact that the second respondent, who was the legal advisor, had only assisted the victim and taking note of all the complaints given



against the petitioner/*de facto* complainant, had granted anticipatory bail to the second respondent.

9. He further submitted that subsequent to the grant of anticipatory bail, there is no allegation against the second respondent and further, the allegation made against the second respondent in the application for cancelling the anticipatory bail granted pertains to the incident which had happened earlier to the grant of anticipatory bail. The second respondent has not involved himself in any other activities after that and thereby, no grounds have been made by the petitioner for warranting cancellation of the anticipatory bail granted to the second respondent.

10. Learned counsel for the petitioner further submitted that in respect of Crime No.343 of 2021, the second respondent is not arrayed as an accused. As on today, the petitioner/*defacto* complainant is also not living in India and thereby, apprehension of threat is also not real. In respect of the second complaint, which is alleged to have been registered in C.S.R.No.645 of 2022, the petitioner has referred to the incident which was alleged to have happened on 24.09.2022 which is also prior to the grant of anticipatory bail to the second respondent. Thereby, he



submitted that no grounds have been made for cancellation of bail and also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

11. Learned Government Advocate (Crl.Side) submitted that on the complaint given by the petitioner, the case in Crime No.275 of 2022 came to be registered against the second respondent, however the second respondent had approached this Court in Crl.O.P.No.25905 of 2022 and he was granted anticipatory bail vide order dated 01.11.2022 and he had complied with the conditions imposed by this Court and later the conditions have also been relaxed. He further submitted that the investigation in Crime No.275 of 2022 has been completed and the respondent Police is ready to file the final report by way of e-filing. He also submitted that the second complaint has been given by the petitioner on 30.12.2022 and based on which, the case has been registered in C.S.R.No.645 of 2022 and in which enquiry is pending. He further submitted that even in the second complaint, the petitioner/*de facto* complainant has alleged about the incident which had taken place on 24.09.2022. He also submitted that due summons would be issued to the petitioner/*de facto* complainant as well as to the second respondent/accused and enquiry would be conducted and if any offence is made



out, appropriate action will be taken. However, he submitted that the Police have not received any complaint in respect of threat against the accused.

12. Heard the learned counsel appearing for both the petitioner and the second respondent and the learned Government Advocate (Crl.Side) and perused the materials available on record.

13. It is the case of the petitioner that the second respondent/accused had committed theft of articles in the petitioner's company and in order to threaten the *de facto* complainant and other senior persons in the management, had been using ladies for giving false complaint against them and threatening them. It is the further case that perusal of the CCTV footage also revealed that the second respondent had committed theft of articles from the company and thereby, caused loss to the company. However, it is the case of the respondent/accused that all the allegation referred to the incidents which have happened prior to 24.09.2022 and without suppressing anything, the second respondent had approached this Court and he had been granted anticipatory bail and he had complied with the condition. Thereby, no ground has been made out for cancellation of bail.



14. It is trite law that, cancellation of bail granted can be done when there is suppression of fact, violation of conditions imposed, or any supervening circumstances which arise for cancellation of bail.

15. Having perused the records, this Court finds that no case either factually or legally has been made out by the petitioner for cancellation of anticipatory bail granted to the second respondent/accused. In view of the above, the petition seeking for cancellation of bail stands dismissed. However, the second respondent/accused is directed to strictly comply with the condition imposed by this Court.

16.11.2023



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