



Crl.O.P.No.7982 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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Baranidharan @ Bharanidaran

... petitioner

Vs.

The State represented by,
Inspector of Police,
EDF-1, Team-I,
Central Crime Branch,
Egmore, Chennai.
(Crime No.276 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.276 of 2022, pending on the file of the respondent police.

For petitioner : M/s. S. Sureash

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.03.2023 for the offences punishable under Sections 406,420 and 120(B) of I.P.C in Crime No.276 of 2022, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the manager of New Bharath Steel Pvt. Ltd and they engaged in the business of steel TMT rods in whole sale as well as retail basis. It is alleged that the petitioner herein/A4 is working as Assistant General Manager in A1's company. In the month of November 2021, through this petitioner, A1 who is the CEO of Trisul Steel and TMT bars got acquaintance with the defacto complainant. Thereafter, the petitioner informed the defacto complainant that they are going to start a new company in the name and style of Sakthi Groups at Naidupet, Andhra Pradesh. It is also that the petitioner and A-1 persuaded the defacto complainant that they are going to produce TMT bars and supply all over Tamil Nadu. They also further insisted the defacto complainant to pay a sum of Rs. 1,00,00,000/- and they will return the money within a week after opening of the production plant. Believing the same the defacto



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complainant transferred one crore Rupees to Trisul Steel pvt Ltd and later sent money nearly Rs.3 crores to the above said company for supply of iron rods. After receiving the amount, the accused supplied iron rods worth about Rs.1,73,36,114/- to the defacto complainant and failed to supply the balance iron rods worth about Rs.1,28,76,377/- and thus committed cheating. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that petitioner applied for a job in Trisul Steels and TM Bar Private Ltd and he has been issued a letter of appointment on 29.11.2021. He would also submit that on the reading of the F.I.R would go to show that the entire transaction took place between the defacto complainant and the company of A1. He further submits that the petitioner is not a beneficiary of the transaction and he has also resigned his job on 01.11.2022. Thereby, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the first accused is the Chief Executive Officer



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of the CEO of Trisul Steel and he along with this petitioner induced the defacto complainant to invest the new company by name Sakthi Groups and received money up to four crores and supplied iron rods to Rs.1,73,36,114/- and failed to supply the iron rods worth about Rs.1,28,76,377/-, thereby he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned**



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Metropolitan Magistrate, for exclusive Trial of CCB cases, (Relating to cheating Cases In Chennai) and CBCID Metro cases, Egmore, Chennai
and on further conditions that:

[a] 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 report before the respondent police everyday at 10:30 a.m, until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 petitioner in accordance with law as if the conditions have been imposed and the



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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]***;

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

17.04.2023

smn

To

1. The **Metropolitan Magistrate, for exclusive Trial of CCB cases, (Relating to cheating Cases In Chennai) and CBCID Metro cases, Egmore, Chennai**
2. The Inspector of Police,
EDF-1, Team-I,
Central Crime Branch,
Egmore, Chennai.
(Crime No.276 of 2022).
3. The Central Prison, Puzhal
4. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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