



WEB COPY



Crl.O.P.No.12934 of 2023

Crl.O.P.No.12934 of 2023
and Crl.MP.Nos.7971 & 8553

A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 381 of IPC in Crime No.333 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant VGB Sivaram Prasad is that, he along with four other partners are running Ice Factory in the name of M/s.Sri Prasanna Venkateswara Ice Factory from the year 1992. It is a registered partnership with a firm no.153 of 1992. One Ramakrishna Raju was working as an accountant in the partnership firm and he was not giving proper accounts whenever demanded. When the defacto complainant had perused the Indian Overseas Bank, Ekkattuthangal, it came to light that the accused had swindled several lakhs of money and thereby the complaint has been given to the respondent seeking to get back his investment of Rs.35 lakhs invested in the partnership firm. Hence, this case.



Crl.O.P.No.12934 of 2023

WEB COPY

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that other than being a machine operator in the Ice Factory of the partnership firm, the petitioner has not committed any such offence. He would further submit that there is a dispute between the defacto complainant on one side and four other partners on the other side and the petitioner who is a machine operator has now been made as scape goat. He further submit that the other partners have also filed affidavit before this Court contending that the petitioner has not swindled any amount as alleged by the defacto complainant. He further submit that the entire allegations are borne out by documents and other partners are ready to furnish the accounts before the respondent police and thereby he would seek for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that as per the complainant, the petitioner is an accountant in the partnership firm and he had swindled several lakhs of rupees and the claim of the defacto complainant is to get back Rs.35 lakhs, which has



Crl.O.P.No.12934 of 2023

been invested by him in the partnership firm. He further submit that the investigation is still pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Learned counsel for the intervenors/third party would submit that there is a dispute between the defacto complainant and the intervenors who are also partners in Prasanna Venkateswara Ice Factory. He would further submit that the firm was established in the year 1992 and there is a dispute between the defacto complainant and the other partners. He would further submit that the Arbitration proceedings is pending before the Court appointed Arbitrator and based on the complaint filed by the defacto complainant to furnish accounts and the intervenors have also filed their reply. The civil dispute between the parties which is only for rendition of accounts has been converted to a criminal matter. He would also submit that as per the complaint, the defacto complainant had only asked for return of the amount of Rs.35 lakhs said to be invested by him.



Crl.O.P.No.12934 of 2023

6. Heard the learned counsel for the petitioner, learned counsel for the intervenor and also learned Government Advocate (Crl.Side) and also perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Saidapet, 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:



Crl.O.P.No.12934 of 2023

WEB COPY

[a] the petitioner 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.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

9. Accordingly, this Criminal Original Petition is ordered and consequently connected Miscellaneous Petitions are closed.

20.06.2023

drl



WEB COPY



Crl.O.P.No.12934 of 2023

A.D.JAGADISH CHANDIRA,J.

drl

Crl.O.P.No.12934 of 2023

20.06.2023