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Crl.O.P.Nos.21878, 21909 & 21944 of 2022

C.V.KARTHIKEYAN, J.

The petitioners/A2, A4, A8 and A9 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 465, 511, 467, 468, 471, 420, 406, 419, 379, 354(C), 384, 500, 506(2) of IPC and Section 66(D) of the Information Technology Act, 2000 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.26 of 2022 on the file of the respondent, seek anticipatory bail.

2.The 2nd accused had filed Crl.O.P.No.21878 of 2022 and the 4th accused had filed Crl.O.P.No.21909 of 2022 and the 8th and 9th accused have filed Crl.O.P.No.21944 of 2022.

3.It is contended that A2 had claimed himself to be the Secretary and Additional Director of a Company called Rack Story



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Private Limited and A4 is the Executive Director, who had been appointed by A1 of the said Company and A8 and A9 are the parents of A1.

4.It is the specific case of the prosecution that A2 had forged resolutions and transferred the shares of the defacto complainant. The accused had also involved themselves in forging the digital signature of the defacto complainant. It is also stated that the defacto complainant had entrusted all documents relating to the company with the 1st and 2nd accused and had also granted access to them to her bank accounts and to her digital signature. Though the accused persons projected that they were finding distributors on online streaming platforms, they had actually sold the movie 'Cadaver' without legitimate authorisation of the company. It is also stated that by forging Share Transfer Forms, majority of the shareholdings swung to the favour of the accused persons, thereby putting the defacto complainant into an extremely disadvantageous position.



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5.It is also seen that the defacto complainant had also filed a suit in C.S.No.144 of 2021 seeking a restraint from dealing with the movie 'Cadaver' and orders had also been passed.

6.This fact is stressed upon by the learned counsel for the petitioners that money actually separated can never be misappropriated.

7.But however, it is the very specific stand of the Investigating Agency / prosecution that the absconding accused will have to be interrogated to obtain the correct and real facts of the case. It is also stated that the investigation has not even commenced and is at an extremely at nascent stage. It is also stated that the accused would abscond from judicial process.

8.Insofar as A8 and A9 / parents of the 1st accused are concerned, the primary ground on which they had been arrayed as accused is that, they had threatened the defacto complainant when she



approached them to repay the amounts, which she spent on the family of A1. Though there are also allegations by them in the affairs of the company, still the primary allegation against them is of threatening the defacto complainant.

9. Taking into consideration the facts and circumstances of the case, Crl.O.P.No.21878 of 2022 filed by A2 and Crl.O.P.No.21909 of 2022 filed by A4 are dismissed. Taking into consideration the age of A8 and A9 and also the fact that though they may be directly or indirectly involved in the company, but the primary complaint against them is of threatening the defacto complainant, I would grant anticipatory bail to the petitioners / A8 and A9 in Crl.O.P.No.21944 of 2022.

10. Accordingly, the petitioners in Crl.O.P.No.21944 of 2022 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 cum District Munsif, Vanur, on condition that each one of the petitioner shall



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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:

[a] the petitioners in CrI.O.P.No.21944 of 2022 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 petitioners in CrI.O.P.No.21944 of 2022 shall report before the respondent police weekly once i.e., on every Monday 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.



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C.V.KARTHIKEYAN, J.

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 2nd, 3rd and 4th petitioners in accordance with law as if the conditions have been imposed and the 2nd, 3rd and 4th 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.

22.12.2023

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