



Crl.O.P.No.22892 of 2023

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And
Crl.M.P.No. 16927 of 2023

C.V.KARTHIKEYAN, J.

Intervening Petition in Crl.M.P.No. 16927 of 2023 is allowed.

2. The petitioners/Accused Nos. 7 to 9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 408, 465, 467, 468, 471, 477A, 109 of IPC and 66C, 43(d), 43(i) and 66 of the Information Technology Act 2000 in Crime No. 26 of 2023, seek anticipatory bail.

3. It is the case of the prosecution that the defacto complainant, Managing Partner of a multiplex theater had given a complaint that the accused persons had manipulated the computer software and reprinted tickets and sold them and misappropriated the amount generated through such sale. It is stated that the amount involved is Rs.96,03,108/-.

4. The learned counsel for the petitioner stated that the offence is said to have been take place over the years 2019-2023 and pointed out that in every any theater when any film is released, an audit bill of the collection is prepared and that report would also be sent to the Distributor of the film and ultimately to the Producer of the film to determine the revenue generated from the screening of the film in any theater and thereafter on the basis of such collection, the Distributor will have to



Crl.O.P.No.22892 of 2023

subtract his commission or the rate which he had agreed as his remuneration of the expenses involved in distributing movie and ultimately, accounts will have be rendered to the Producer of the film. This is normal practice and it is done routinely. It is therefore contended that the issues raised in the complaint are the subject matter of trial.

5. The learned Government Advocate (Crl. Side) however pointed out that forensic reports have been received that forgery had been committed and that the tickets which had been sold are actually forged and that the petitioners had printed duplicated and forged tickets and sold them.

6. Again, these are issues for matters of trial. At this stage, since the other accused had been granted bail and this Court had taken a decision that the grant of such bail should not be cancelled, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 Judicial Magistrate No.II, Salem, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



Crl.O.P.No.22892 of 2023

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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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the respondent police daily 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.

[e] On 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 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.

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Crl.O.P.No.22892 of 2023

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**Crl.O.P.No.22892 of 2023
And
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