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CrI.OP.No.23126 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.23126 of 2023

Kumar @ Kalaiyappan

...Petitioner

Vs.

The State represented by
Inspector of Police,
Central Crime Branch,
EDF 1, Team II,
Veperry, Chennai 600 007.
Crime No.108 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Petitioner on bail in connection with the case in Crime No.108 of 2023 pending investigation on the file of the Respondent police.

For Petitioner : Mrs.A.L.Gandhimathi, SC for
Mr.L.Palani Muthu

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner/A2, who was arrested and remanded to judicial



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custody on 04.09.2023 for the offence punishable under Sections 406 and 420 of IPC, in Crime No.108 of 2023 on the file of the respondent police, seeks bail.

2.It had been stated that the 1st accused had entered into an agreement with the defacto complainant on 04.08.2021, for the supply of medical equipments worth about Rs.14,50,00,000/- and had paid an advance amount of Rs.4,50,00,000/- to the 1st accused and subsequently, A1 had also transferred another sum of Rs.2,70,00,000/- to the account of the petitioner herein.

3.It is further stated that the petitioner had an independent loan transactions with the 1st accused who had borrowed loan from him.

4. Counter affidavit had also been filed by the respondent and in the counter affidavit, it is stated that the defacto complainant who was the General Manager of PERS Enterprises Private Limited, had filed a complaint against the accused one Sridharan, who is the Proprietor of M.S. Associates, which was engaged in the sale of medical equipments . It has been stated that the purchase orders have been placed on M.S. Associates for purchase of Medical Equipments.



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5. A Memorandum of Understanding was also entered into between M.S.Associates and M/s.PERS Enterprises Private Limited and as per MOU, totally a sum of Rs.14,01,83,800/- have been paid. There had been only sporadic return of the said amount. Investigation has also proceeded.

6. The learned Senior Counsel stated that the property has no encumbrance and also produced the valuation certificate for the said property.

7. Taking into consideration all these facts and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Metropolitan Magistrate Court, Egmore and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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

[b] the petitioner shall deposit a title deeds of immovable property worth about Rs.80 lakhs to the credit of Crime No.108 of 2023; further, the petitioner shall deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the credit of Crime No.108 of 2023 now pending on the file of the respondent. On such deposit, the defacto complainant is permitted to withdraw the said amount, after providing necessary undertaking, identification and proper acknowledgement and this may be issued through the learned judicial Magistrate; Time for deposit of title deeds and sum of Rs.20 lakhs is two weeks from the date of receipt of a copy of this order; the title documents may be detained till the judgment is pronounced;

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

[d] the petitioner shall not abscond either during investigation or trial.

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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].

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

16.10.2023

vkr

To

- 1.The Metropolitan Magistrate (exclusive for trial of CCB cases),
Egmore.
- 2.The Central Prison, Puzhal.
- 3.The Inspector of Police,
Central Crime Branch,
EDF 1, Team II,
Veperry, Chennai 600 007.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN.J

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