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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 31/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Cr1.OP(MD)No.13237 of 2023

Titus Samuel : Petitioner/A1

Vs.

The Inspector of Police,
DCB Police Station,
Thoothukudi District.
(In Crime No.13 of 2023) : Respondent/Complainant

For Petitioner : Mr.K.Suyambulingan Bharathi

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER:- For Bail in Crime No.13 of 2023 on the file
of the Respondent Police.

ORDER: The Court made the following order:-



2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that he is a Business Development Manager in M/s.Team Leaders, Logistics Private Limited and in the course of their business activities, on 17/08/2020, he came across the web-site through face book, one Billa Jeeva represented that he is the General Manager of GPR Resources Private Limited, Thoothukudi and involved in import and export business. He also furnished his email address. He communicated with the above said Jeeva. He placed orders of 10 containers measuring about 10 x 20 feet and later, he also intimated him about the rent particulars. Later, the above said Jeeva informed him that another company called M/s.Almendras International Lines Private Limited is also doing the very same business and they can get lowest price from the above said company. So quotation was given to the above said Jeeva. It was finalized and



<https://www.mhc.tn.gov.in/judis>



3. During the course of investigation, the involvement of 15 persons came to light. Except this petitioner, all others are absconding. He was arrested on 27/04/2023 and remanded to judicial custody and ever since from the date of arrest, he is in custody and repeated anticipatory bail applications filed by the co-accused also came to be dismissed.

4. Heard both sides.

5. The learned counsel appearing for the petitioner would submit that even as per the allegations made in the FIR, only one Jeeva shown as A5, who is the main person with whom only the de-facto complainant had business dealings. And so far as this petitioner is concerned, he already resigned from the Directorship of the Company, even before the registration of the FIR. He would rely upon the letter of resignation made by the petitioner, dated 04/06/2019, which is also followed by the legal notice, demanding settlement of his salary dated 15/12/2001. But absolutely, no acknowledgment or acceptance of the resignation is made available by the petitioner to this court.



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6. Even if we accept that he resigned from the Board of Directors with effect from 04/06/2019 for argument sake, during the course of transaction, this petitioner in the subject matter of the crime, this petitioner was also working as one of the Board of Directors. So, this plea is not available to the petitioner at this stage.

7. But the learned Additional Public Prosecutor would submit that more than Rs.80 Lakhs is involved in this case and no money has been recovered so far. As mentioned above, all the co-accused are absconding or their anticipatory bail came to be dismissed. It is also further submitted that final report was filed on 03/06/2023, but that was not taken cognizance so far.

8. A report was called for from the concerned trial court as to the stage of the final report. A report submitted stating that the final report was filed on 30/06/2023, but due to some defects, it is kept pending. Similarly, in the final report, A8 and A9 have been deleted from the final report. But some other persons have been added as accused. So, issued direction to the de-facto complainant to make his objection, so kept pending.



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9. Even though, the amount involved in the above said crime has not been recovered so far, considering the fact that the petitioner is in custody from 27/04/2023 and final report has also been filed and is going to take cognizance, continuation of the petitioner's judicial custody may not be required, on that account, this court is inclined **to grant bail** to the petitioner with certain conditions. 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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.4, Thoothukudi and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders.

31/07/2023

Index: Yes/No
Internet: Yes/No

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To,

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- 1.The Judicial Magistrate No.4,
Thoothukudi.
- 2.The District Jail,
Peraoorani,
Thoothukudi District.
- 3.The Sub Inspector of Police,
DCB Police Station, Thoothukudi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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