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CRL O.P. No.20501 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20501 of 2024

Dinesh

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Avadi, CCB.
Thiruvallur District.

... Respondent

[Cr. No.38 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.38 of 2024, on the file of the respondent.

For Petitioner : Mr.G.Mohanakrishnan

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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CRL O.P. No.20501 of 2024

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.07.2024 for the offences punishable under Sections 406, 409, 465, 467, 468 & 420 of IPC, in Crime No.38 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner was the General Manager of M/s.Seikodenki India Pvt., Ltd and the defacto complainant is the founding Director and shareholder of the said Company. While so, the petitioner and A1, who was appointed as Operational Director had defrauded the defacto complainant's Company and looted a sum of Rs.27,00,00,000/- by making false resolution thereby cheating the defacto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A2 in this case was granted anticipatory bail and the name of the petitioner is not found in the FIR. Hence, Hence, he prays for grant of bail to the petitioner.



CRL O.P. No.20501 of 2024

WEB COPY

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused, as Directors of M/s.Seikodenki India Pvt., Ltd., defrauded the defacto complainant and looted to the tune of Rs.27,00,00,000/-. He would further submit that co-accused was granted anticipatory bail in this case. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the representation made by both side learned counsel and considering that there it is a dispute between the Directors of the Company and this petitioner is only a General Manager of the Company and that the name of the petitioner does not find place in FIR and also taking into consideration the delay in lodging the complaint and that co-accused was already granted anticipatory bail and the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



CRL O.P. No.20501 of 2024

[a] 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 **Judicial Magistrate No.1, Poonamallee**, and on further conditions that;

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

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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WEB COPY

To

- 1.The Judicial Magistrate - 1, Poonamallee.
- 2.The Inspector of Police,
Avadi, CCB.
Thiruvallur District.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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CRL O.P. No.20501 of 2024

P.DHANABAL,J.
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