



WEB COPY



CrI.O.P.No.25226 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.25226 of 2024

And

CrI.M.P.No. 14507 of 2024

R.Nagarajan

...Petitioner/Accused / A-1

Vs.

State, rep by
The Inspector of Police,
Central Crime Branch
Avadi EDF – II Team Police Station
Chennai District.
(Crime No.87 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail pending investigation in connection with Cr.No. 87 of 2024 on the file of the respondent police.

For Petitioner : Mr. M.Sathya Kumar



Crl.O.P.No.25226 of 2024

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

For Intervenor : Mr. J. Jawahar

ORDER

The intervening Petition in Crl.M.P.No. 14507 of 2024 stands allowed.

2. The petitioner, who was arrested on 14.09.2024 and remanded to judicial custody on the same day for the offences under Sections 406, 409, 417, 420 and 469 of IPC read with Sections 66 and 43A of Information Technology (Amendment) Act, in Crime No. 87 of 2024 on the file of the respondent police, seeks bail.

3. The case of the prosecution is that there are two accused companies, in which both the complainant and the first accused are Directors and the funds are diverted to the second accused's Company for about Rs.4/- crores. Hence, the case.

4. Learned counsel for the petitioner submitted that the petitioner is



Crl.O.P.No.25226 of 2024

an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

5. Learned Government Advocate (Crl.Side) objected for granting bail to the petitioner stating that there are two accused companies, in which both the complainant and the first accused are Directors and the funds are diverted to the second accused's Company for about Rs.4/- crores and there is no previous case against the petitioner.

6. The learned counsel for the intervenor would submit that the first accused is the Director of the defacto complainant and he diverted the funds to the second accused company to the tune of Rs.4/- crores. Hence, he objected to grant bail to the petitioner.

7. Heard either sides and perused the materials available on record.



CrI.O.P.No.25226 of 2024

WEB COPY

8. Considering the submissions made on either sides and also considering the nature of allegations levelled against the petitioner, taking into consideration the period of incarceration undergone by the petitioner from 14.09.2024 and also the petitioner has no previous case and the fact that already the proceedings are pending before the NCLT and all the offences are borne out of records and there is a dispute between the parties in respect of the company and the petitioner was not taken into police custody, this Court is inclined to grant bail to the petitioner with certain conditions:

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

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

[c] The petitioner shall attend in accordance with the conditions of



CrI.O.P.No.25226 of 2024

the bond;

[d] The petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[e] The petitioner shall not abscond either during investigation or trial;

[f] 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 or tamper with evidence;

[g] on breach of any of the aforesaid conditions, the learned 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



CrI.O.P.No.25226 of 2024

himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

21.10.2024

vsg

To

1.Judicial Magistrate No.I, Poonamallee.

2. Central Prison-II, Puzhal.

3.The Inspector of Police,
Central Crime Branch
Avadi EDF – II Team Police Station
Chennai District.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.25226 of 2024

vsg

Crl.O.P.No.25226 of 2024
And
Crl.M.P.No. 14507 of 2024

21.10.2024