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Crl.O.P.No.28939 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.12.2024

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28939 of 2024

1.Shanthi

2.Sellam

... Petitioners/A1 & A2

Versus

The State Rep. by
The Inspector of Police,
Central Crime Branch – I,
Chennai.
(Crime No.213 of 2024)

... Respondent

PRAYER : Criminal Original petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, praying to grant an anticipatory bail to the petitioners
in the event of their arrest in Crime No.213 of 2024, pending on the file of the
respondent police.

For Petitioners : Mr.N.R.Elango, Senior Counsel
for Mr.B.Gopalakrishnan

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

For Intervenor : Mr.Arun Anbumani



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ORDER

Apprehending arrest in connection with Crime No.213 of 2024 registered for the offences punishable under Sections 408, 420, 477A, 109 and 120B of I.P.C., the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that the first petitioner/accused, who was working as Accounts Officer in the de-facto complainant's company, by manipulation, falsification of accounts and fabrication of bank statements, have misappropriated a huge sum of Rs.1,73,02,268/-. Hence, the case.

3.Mr.N.R.Elango, learned Senior counsel appearing for the petitioners would submit that the first petitioner is the employee and second petitioner is the mother of the first petitioner. He would submit that the first petitioner was working with the de-facto complainant for the past 12 years and that she has tendered her resignation on 06.04.2024 and that there are exchange of mails



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between the first petitioner and the de-facto complainant to show that she has rendered the accounts properly. Whereas for certain obvious reasons false complaint has been given with false allegations. He would submit that the second petitioner is the mother of the first petitioner and she has purchased the property after paying a consideration of Rs.70 lakhs. He would submit that the entire case of the prosecution is borne out by documents and the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

4.Learned Government Advocate (Crl. Side) would submit that the first petitioner was working as Accounts Manager in de-facto complainant's company. By manipulation, falsification of accounts and fabrication of bank statements the accused had cheated the de-facto complainant to the tune of Rs.1,73,02,268/-. He would further submit that notice under Section 41-A of Cr.P.C. has been issued to the first petitioner, however, she has not appeared. The custody of the petitioners is required to trace the money trail.



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5.Mr.Arun Anbumani, learned counsel appearing for the intervenor/de-facto complainant would submit that the first petitioner, who was working as Accounts Manager in the de-facto complainant's company, by manipulation, fabrication of documents and falsification of accounts had misappropriated company's funds to the tune of Rs.1,73,02,268/-. He would submit that petitioners had ingeniously transferred the company's accounts to several persons including one Edwin Freddy, who was nothing to do with the company, stating that the amounts were sent to vendor accounts. Thereafter, the said Edwin had re-routed the money to the accounts of the children of the first petitioner, who are students, and in turn they have transferred the money to the second petitioner, who is the mother of the first petitioner. Thereafter, she had purchased a property worth about Rs.70 lakhs. Apart from that, the custodial interrogation of the petitioners have to be taken to find out the money trail in respect of the remaining money. He would categorically submit that two huge amounts viz., Rs.20 lakhs transferred through RTGS on 07.06.2023 vide UTR



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No.IOBAR2023060700684111 and Rs.10 lakhs transferred through RTGS on 07.06.2023 vide UTR No.IOBAR52023060700686748, which would clinchingly show that the first petitioner, in a calculated and ingenious method had committed misappropriation of funds and he would oppose for grant of bail.

6.Heard the learned counsel appearing on both sides and perused the materials available on record.

7.Taking into consideration the nature of offence, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, **the Criminal Original Petition is dismissed in so far as the first petitioner is concerned.**

8.Consideration the fact that the second petitioner is the mother of the first petitioner, **this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions and accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance**



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within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambur, on condition that the second petitioner shall execute a bond each for a sum of Rs.10,000/- (Rupees Ten Thousand only), 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 the said Magistrate, on further condition that:

[a] if the second petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the second petitioner shall deposit the original Title Deed bearing Document No.2026/2023 registered at SRO, Adayar, Chennai to the credit of Crime No.213 of 2024. The second petitioner shall also file an affidavit of undertaking that she will neither encumber the property nor transfer the property till the disposal of the criminal case.

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

[d] the second petitioner shall not tamper with evidence or witness either during investigation or trial;



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

[f] 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 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 269 of BNS.

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A.D.JAGADISH CHANDIRA, J.

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