



CRL OP(MD). No.10256 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.10256 of 2024

1. J. John Britto
2. Manju Margret

... Petitioners/ Accused No.1 & 2

Vs

1.The Inspector of Police,
City Crime Branch,
Trichy City.
(Crime No.19/2024.)

... Respondent/Complainant

2.M.Sudhakar

... Petitioner / Intervener /
Defacto Complainant
in CRL MP(MD) No.7225 of 2024

For Petitioners : M/s.Lenin Kumar.T, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mr.K.Sivabalan, Advocate
for M/s.Aran Legal Solutions, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 of BNSS.

PRAYER :- For Anticipatory Bail in Crime No.19/2024 on the file of the
Respondent police.



CRL OP(MD). No.10256 of 2024

WLB COPY
ORDER : The Court made the following order :-

The petitioners / Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections * **406 and 420 of IPC**, in crime No.19 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and his brother along with the first petitioner established a partnership firm in the name and style of “Kreative India” and the nature of business in the said firm is advertisement and was shared among themselves at the ratio of 45% : 20% : 35% respectively. Since the business was profitable, the partners established another Firm in the name of “Aspire”. Since the building, where the partnership business was carried out was auspicious one, the partners decided to purchase the same and they purchased the same by availing loan and the EMI's were paid out of the partnership firm amount. At this juncture, the petitioners established a new firm in the name and style of “DRTS Horizon” separately and they brainwashed the employees of Kreative India and employed them in their newly established firm and they utilized two vehicles belonging to Kreative India in their partnership. As such, they cheated the defacto complainant to the tune of Rs.6.5 Crores.



CRL OP(MD). No.10256 of 2024

WEB COPY
the case.

3. Heard the learned counsel on either side and perused the material records of

4. The allegation that originally, when the defacto complainant and the petitioners are running joint business in the name of “Aspire” sensing that there are more profits and to divert the defacto complainant from that profits, it is alleged that the petitioners indulged in the very same competing business by showing the very same address and using the very same materials and were diverting the business to the separate proprietary firm and thus, caused loss to the defacto complainant. The learned counsel appearing on behalf of the intervener, opposed to the prayer of anticipatory bail, by saying that even some of the partnership's materials are used by them. He would specifically point out that in respect of the list of 136 Hoarding, which are annexed in Page Nos. 40 to 45 of the typed set of papers filed by him, which were originally earmarked for the partnership firm “Aspire” is now being continued to be used by them, in spite of the complaint with reference to the advertisements of their separate proprietary firm. In reply, thereof the learned counsel appearing on behalf of the petitioners, would submit that without prejudice to the rights and claims of the parties, the parties would now undertake that in respect of the said 136 Hoardings, no advertisement on behalf of the DRTs Horizon will be displayed and it will be used to display only the advertisement of the



CRL OP(MD). No.10256 of 2024

WEB COPY

partnership business “Aspire” alone. Considering the overall facts and circumstances of the case, I am inclined to enlarge the petitioners on anticipatory bail with the condition that the petitioners shall also file an affidavit as undertaken by them that they will not utilize the 136 Hoardings which are enlisted between page Nos.40 to 45 of the typed set of papers, except for the business of the partnership, namely, “Aspire”.

5. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Trichy.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioners shall report before the respondent Police, daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(iii) the petitioners shall also file an affidavit that as undertaken by them that



CRL OP(MD). No.10256 of 2024

WEB COPY

they will not utilize the 136 Hoarding which are enlisted between page Nos.40 to 45 of the typed set of papers, except for the business of the partnership, namely, "Aspire" before the concerned Court;

(iv) the petitioners shall not tamper with evidence or witness;

v) the petitioners shall not abscond during trial.

vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

(vii) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/08/2024

(*) Corrected as per order of this Court dated 28.08.2024 in CRL OP(MD) No.10256 of 2024)

/ TRUE COPY /

28/08/2024

Sub-Assistant Registrar
(C.S.I /II /III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

LS



CRL OP(MD). No.10256 of 2024

To

**TO BE SUBSTITUTED WITH THE ORDER DATED 07/08/2024 ALREADY
DESPATCHED**

1.The Judicial Magistrate No.I,
Trichy.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police,
City Crime Branch,
Trichy City.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-9626[I] dated 08/08/2024)

+1 CC to M/s.K.SIVABALAN, Advocate (SR-9665[I] dated 08/08/2024)

ORDER

IN

CRL OP(MD) No.10256 of 2024

Date :07/08/2024

ED/ VR /SAR- (22/08/2024) 6P / 7C

ED/ /SAR- (22/08/2024) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023