



CRL OP(MD). No.15475 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. B.Nambi, ...1st Petitioner/ Accused No.4

2. Esakki Rajesh, ... 2nd Petitioner/ Accused No.6

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
District Crime Branch Police Station,
Dindigul District.
Crime No. 10/2024.

... Respondent/Complainant

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel for
M/s. Ebenezer Charles.T.J, Advocate

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

For Intervenor : Mr.K.Govinda Rajan Advocate
for Mr.S.Alagu Sundar Advocate



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WEB PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 10 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody on 29.08.2024 for the offences punishable under Sections 120(B), 420, 465, 468 and 471 IPC in crime No.10 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners herein forged the signature of the defacto complainant and removed her from the Director Post of one Yuvaraj Scaffolding Pvt. Ltd., and undertook her shares and further she has been cheated by transferring the amount to the other companies in which the petitioners are the Directors. Hence, the complaint.

3. The learned Senior Counsel appearing for the petitioners by taking this Court to the various papers filed would contend that this is a dispute between the Directors with reference to allotment of shares, payment of salary etc. The dispute was going on for the past two years and suddenly a criminal colour is now sought to be given.



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4. The learned counsel appearing on behalf of the defacto complainant would submit that the criminal case is purely with reference to forgery and cheating. The signature of the defacto complainant is forged and she has been cheated by transferring the amounts to the other companies in which the petitioners are the Directors.

5. The learned Additional Public Prosecutor submits that custody application was filed only on 13.09.2024.

6. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police and the counsel for the intervenor and perused the materials available on record.

7. The case arises under the old Act. It can be seen that until today, the specimen signature of the defacto complainant was not taken and the important documents are not even sent for comparison. Similarly, even the accused, who are in custody signature has not yet been taken and has been sent for comparison as on date the petitioners are arrested and in jail from 29/8/2024, I am inclined to enlarge them



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on bail.

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8. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Dindigul.

(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 appear before the respondent Police daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

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

iv) the petitioners shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial



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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].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/09/2024

/ TRUE COPY /

18/09/2024
Sub-Assistant Registrar (CS-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Judicial Magistrate No.II, Dindigul.
2. Do-Through The Chief Judicial Magistrate,
Dindugal District.
3. The Officer in charge, Sub Jail, Dindigul.
4. The Inspector of Police,
District Crime Branch Police Station,
Dindigul District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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WEB COPY +1 CC to M/s.T.J.EBENEZER, Advocate (SR-11364[I] dated 18/09/2024)

+3 CC to M/s.T.J.EBENEZER, Advocate (SR-11373[I] dated 18/09/2024)

ORDER
IN
CRL OP(MD) No.15475 of 2024
Date :18/09/2024

RK (18/09/2024) 6P / 10C

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