



IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 28.01.2025

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THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.1519 of 2025

Hem Senthil Raj

.... Petitioner

Vs

The Deputy Registrar of Companies,
No.26, Haddows Road,
Chennai – 600 006.
(EOCC No.472 of 2017)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in the event on his arrest in EOCC No.472 of 2017 on the file of the learned First Additional Chief Metropolitan Magistrate Court, Economic Offences, Egmore, Chennai.

For Petitioner	:	Mr.Yuvaraj B
For Respondent	:	Mr.Purujit Narayananan for Mr.V.Chandra Sekaran Sr.Panel Counsel for UOI.

ORDER

Apprehending arrest in connection with EOCC No.472 of 2017 registered for the offences punishable under Sections 137(1) r/w 137(3) of the Companies Act, 2013, the present petition has been filed seeking anticipatory bail.

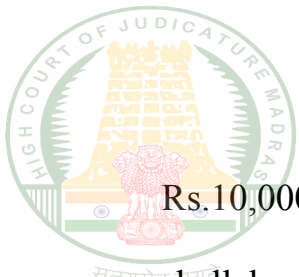
2. The learned counsel appearing for the petitioner would submit that the petitioner is a Company Secretary. He would submit that he was also working with another Company and since he was travelling abroad, he was unable to



appear before the Court. He would submit that the petitioner is ready to appear before the trial Court and also is ready to co-operate for speedy disposal of the trial. Hence, he prays for grant of anticipatory bail to the petitioner.

3. Learned Senior Panel Counsel appearing for the respondent submitted that as on date, the Government has decriminalized the matter. The petitioner did not appear before the Court, and thereby a non-bailable warrant is pending. He also submitted that due to the absence of the petitioner, the trial Judge is unable to proceed with the trial. He further submitted that the only option available to the petitioner is to surrender before the Court concerned and to file petition seeking to recall the warrant and therefore the petition for anticipatory bail may not be maintainable. Hence, he object for grant of anticipatory bail.

4. Having heard the learned counsel for the petitioner and the learned Senior Panel Counsel for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly he is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned I Additional Chief Metropolitan Magistrate Court, Economic Offences, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of



Rs.10,000/- (Rupees Ten Thousand only), with two sureties (one of the surety

shall be blood related surety) 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 petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall appear before the Trial Court on all working days at 10.30 a.m.

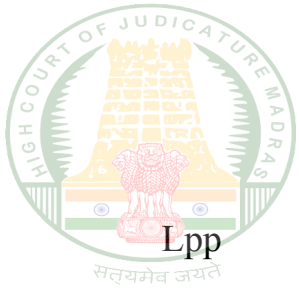
[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[e] 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];

A.D.JAGADISH CHANDIRA, J.

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



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