IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3948 of 2025

Govindaraj
S/o. Kalyanasundaram, No.539, Mandakara Street, Thiruvisanallur, Thiruvidaimaruthur Taluk, Thanjavur District - 612 105.

Petitioner(s)

Vs

The State Represented by, The Inspector of Police,
CCB - I, Chennai. Cr.No.17/2025.

Respondent(s)

For Petitioner(s):
M Mohamed Riyaz
G.Nareshkumar
M.Fazil Perarivalan
C.Balaji Prasanna

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

For Intervenor:
Mr.B.Dhanaraj

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in connection with Crime No.17 of 2025 on the file of the respondent police.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 61(2), 316(2), 318(4), 336(2), 336(3), 338, 340(1) & 340(2) of BNS in Crime No.17 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the de facto complainant is a Managing Director of ACS Marine Services Private Limited and the petitioner/A3 claiming to be the Agent for Indo Russian Business Associates (IRBA) represented that funds are available for investment and that he is known to the officials of IRBA; that on 07.09.2023, the petitioner organized a meeting of the de facto complainant with accused 1 and 2, who claimed to be the Chairman and General Secretary of IRBA and stated that they were authorized to disburse funds on behalf of Russian Government; that pursuant

to the said meeting, the de facto complainant entered into a Memorandum of Understanding and become the member of IRBA; that A1 and A2 had promised foreign direct investment from Indo Russian Trade and investment to the tune of Rs.532 Crores; that the defacto complainant paid a sum of Rs.4,49,00,000/- on various dates to the said IRBA Associates; that the said IRBA Associates had neither returned the amount so received towards their charges for obtaining foreign investments nor obtained foreign investments; and that thereafter, accused 1 and 2 returned only a sum of Rs.2,01,00,000/-. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an employee under IRBA for a monthly salary of Rs.3 lakhs and he was appointed by A1 and A2 to identify the potential customers. He further submitted that the petitioner had only identified the de facto complainant; that he had no role in the alleged transactions between the de facto complainant and accused 1 and 2; that the petitioner had not gained

monetarily out of the transaction; and that in any case, custodial interrogation is not required for the purpose of investigation. Hence, he prayed for anticipatory bail to the petitioner.

4. Learned counsel for the de facto complainant/intervenor vehemently opposed the grant of anticipatory bail to the petitioner stating that A1 and A2 had committed a serious fraud and the petitioner/A3 is responsible for introducing accused 1 and 2 to the de facto complainant and he is equally guilty. He further submitted that the petitioner is also involved in several other cases in Crime Nos.214 of 2024 and 237 of 2024, which were registered on similar complaints.

5. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that the petitioner is involved in Crime No.214 of 2024; that in the said case, though

his name does not find place in the complaint, he was implicated based on the confession of the co-accused; and that the petitioner is not involved in Crime No.237 of 2024. He further submitted that in the present case, the petitioner had not benefited financially in the transaction and the main accused A1 was arrested and is still in custody. However, he opposed the grant of anticipatory bail to the petitioner.

6. Heard the learned counsel appearing for both the petitioner and the de facto complainant and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

7. From the aforesaid facts, it is seen that it is the case of the de facto complainant that they had transferred a sum of Rs.4,49,00,000/- to the account of the said IRBA, run by A1 and A2, since A1 and A2 had represented that they would obtain foreign direct investment to the tune of

Rs.532 Crores. The transaction between the defacto complainant on the one hand and A1 and A2 on the other hand took place between September 2023 to May 2024. It is also seen from the FIR that since A1 and A2 did not get the promised investment, they had repaid Rs.2,01,00,000/- on various dates to the defacto complainant. From the nature of the transactions it cannot be stated that the defacto complainant had entered into the transactions without knowing the consequences as they had paid the money expecting an investment of Rs.532 Crores. It is a commercial transaction. Admittedly, the petitioner had only introduced A1 and A2 to the defacto complainant and had not gained monetarily and was an employee of A1 and A2.

8. Hence, considering the nature of allegations against the petitioner, the fact that the petitioner was implicated on the confession of the co-accused in one previous case against him, the allegations against the petitioner is borne out by records, and the fact that a sum of Rs.2,01,00,000/- was returned to the de

facto complainant by A1 and A2, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner 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 on which the order copy made ready, before **the CCB & CBCID Court, 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 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

> [a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their

Aadhar card or Bank pass Book to ensure their identity;

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

[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];

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

27-02-2025

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To
1. The Inspector of Police,
CCB - I, Chennai.
Cr.No.17/2025.
2. The CCB & CBCID Court, Egmore, Chennai

SUNDER MOHAN, J.

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