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Crl.O.P.Nos.7770 & 7894 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**CRL.O.P.NOS.7770 & 7894 OF 2025
AND CRL.M.P.NO.7673 OF 2025**

CRL.O.P.NOS.7770 OF 2025

1.Stella

w/o. Francis,
(Director of A-1 company)

2. Robin

s/o, Francis,
(Director of A-1 Company)

3. F. Pearlin

D/o, Francis,
(Director of A-1 company)

4. F.Herson

s/o. Francis

... petitioners

vs.

The State rep., by
The Inspector of Police,
Beta-7, EDF-III,
Central Crime Branch,
Vepery, Chennai 600 007.
(Crime No.6 of 2024)

... Respondent(S)



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CRL.O.P.NO.7894 of 2025

WEB COPY 1. Francis

... Petitioner

Vs.

The State rep., by
The Inspector of Police,
Beta-7, EDF-III,
Central Crime Branch,
Vepery, Chennai 600 007.
(Crime No.6 of 2024)

... Respondent(S)

In both Criminal OPs'

For Petitioner(s) : Mr.R.Johnsathyan, Senior Counsel
in Crl.OP.No.7770/25 for Mr.Arunkumar.

For Petitioner(s) : Mr.A.Nagaraj
in Crl.OP.No.7894/25 for Mr.Arunkumar.

For Respondent (s) : Mr.S.Santhosh, GA (Crl. Side)
in both cases

For Intervenor(S) : Mr.Manuraj
in both cases for Mr.P.Sathyanathan

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC in Crime No.6 of 2024, seek anticipatory bail.



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2. The case of the prosecution is that the petitioners were running a company by name M/s.F.Robin Polymers Pvt Ltd.; that they received a sum of Rs.2,12,50,000/- through RTGS for making construction for the factory run by the defacto complainant; and that they neither constructed a factory nor repaid the said amount and thus committed the aforesaid offences.

3. Mr.R.John Sathyan, the learned Senior Counsel for the petitioners in Crl.O.P.No.7770 of 2025 and Mr.A.Nagaraj, the learned counsel for the petitioner in Crl.O.P.No.7894 of 2025 submitted that the allegations are false; that the petitioners are manufactures of polymers; that the money received by them was for supply of goods; that the goods are still available with them; and that the defacto complainant had refused to take the said goods. They also relied upon a copy of the invoice suggesting that the payment was made for supply of goods and not for construction. They further submitted that the allegations in any case only disclose a civil dispute and that the custodial interrogation of the petitioners is not required.



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4. The learned Senior Counsel further on instruction submitted that the petitioners are willing to deposit a sum of Rs.50,00,000/- to the credit of Crime No.6 of 2024 without prejudice to their defence and that on such deposit, the defacto complainant may be permitted to withdraw the same.

5. The learned counsel for the defacto complainant however vehemently disputed the purchase order produced by the petitioners and submitted that the money was handed over to the defacto complainant for construction purposes; that the document produced by the defacto complainant would confirm the same; and that the petitioners have produced forged documents and opposed the grant of anticipatory bail to the petitioners.

6. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and confirmed the aforesaid facts. The learned Government Advocate further submitted that the document produced by the defacto complainant was sent for forensic



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examination and the forensic department could not offer any opinion on the said document.

7. Heard the learned counsel for the petitioners, the learned counsel for the intervenor and the learned Government Advocate (Crl. Side) for the respondent and perused the materials available on record.

8. The petitioners claim that the money was paid to them for supply of goods and the defacto complainant claims that the money was paid for construction purposes. This Court is not called upon to decide the said issue. However, the allegations reveal a commercial dispute and are borne out by records and hence do not warrant custodial interrogation. The payments are said to have been made in the year 2023. Further the petitioners are willing to deposit a sum of Rs.50,00,000/- as as stated earlier, without prejudice to their defence.

9. Considering all the above facts, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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10. Accordingly, the petitioners shall deposit a sum of Rs.50,00,000/- [Rupees Fifty Lakhs only] to the credit of Crime No.6 of 2024 without prejudice to their defence and on such deposit and production of proof, the defacto complainant shall be permitted to withdraw the same by filing suitable application before the appropriate learned Magistrate and further file an undertaking affidavit that in case, the petitioners succeed in the trial, the deposited amount would be refunded. The petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the ***learned Metropolitan Magistrate, Exclusive Trial for CCB & CBCID, Egmore,*** on condition that each of the petitioners shall execute separate bonds for a sum of ***Rs.10,000/- (Rupees Ten Thousand only)*** with two sureties 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 bails shall stand dismissed and on further conditions that:

[a] the petitioners 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



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or Bank pass Book to ensure their identity;

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[b] the petitioners except the first and third petitioners in Crl.O.P.No.7770 of 2025, shall report before the respondent police weekly twice, ie., on Monday and Saturday at 10.30 a.m., until further orders. The first and third petitioner in Crl.O.P.No.7770 of 2025, shall report before the respondent police as and when required for interrogation;

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

[d] the petitioners 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 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].



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[f] If the accused thereafter absconds, a fresh FIR

can be registered under Section 269 of B.N.S.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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SUNDER MOHAN, J.

jai

To

1. The Inspector of Police,
Beta-7, EDF-III,
Central Crime Branch,
Vepery, Chennai 600 007.

2. The Metropolitan Magistrate Exclusive
Trial for CCB & CBCID, Egmore.

3. The Public Prosecutor,
Madras High Court, Chennai.

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