



Crl.O.P.Nos.11256 & 11381 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17.04.2025

PRONOUNCED ON : 22.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.11256 & 11381 of 2025

1. M.Gopalakrishnan ... Petitioner in Crl.OP.No.11256 of 2025 /A1
2. P.Krishnamurthy ... Petitioner in Crl.OP.No.11381 of 2025 /A3

Vs.

State Rep. By
Inspector of Police,
Beta-1, EDF-1,
Central Crime Branch-1,
O/o. Police Commissioner Office,
1st Floor, Room No.IC,
Vepery, Chennai – 600 007 ... Respondent in both cases
[Cr.No.34 of 2025]

K.V.Jayavel Intervenor in Crl.OP.No.11256 of 2025

COMMON PRAYER: Criminal Original Petitions filed under Section 483 of BNSS, to enlarge the petitioners/A1 & A2 on bail, in connection with Cr.No.34 of 2025.

For Petitioner in
Crl.OP.No.11256 / 2025 : Mr.P.Govindarajan

Crl.OP.No.11381 / 2025 : Mr.L.Ramu



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WEB COPY For Respondent
in both cases

: Ms.J.R.Archana
Govt. Advocate (Crl.Side)

For Intervenor : Mr.Arun Anbumani
in Crl.OP.No.11256/25

COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners/A1 & A3, who were arrested and remanded to judicial custody on 15.03.2025 seeking bail in connection with the case in Cr.No.34 of 2025 registered for the offence under Sections 408, 420, 477A r/w 109 and 120(B) IPC.

2. It is the case of the prosecution that the accused 1 to 3 arraigned in the FIR were working in the two firms viz., Dina Colour Lab and New Colour India Films, in which the defacto complainant is working as a General Manager; that over the past few years, the accused embezzled and misappropriated funds of the firms to the tune of Rs.20 Crores by themselves and in conspiracy with several other accused persons by indulging in forgery and falsification of records; and thus, committed the aforesaid offences. The petitioners are arraigned as A1 and A3.



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WEB COPY 3. The learned counsels for the petitioners submitted that the allegations are improbable; that the complaint was lodged after one of the accused [A8] in this Cime number had lodged a complaint against the partners of the firms in FIR No.15 of 2025 dated 03.01.2025 on the file of Gachibowli Police Station, Hyderabad; that the financial operations were done only at the instance of one Dinakaran, who is the active partner in firms; that he was aware of all the transactions; that only at the instance of the said person, accounts were opened in the name of the petitioners and their respective wives; that the amount was handed over to the said Dinakaran and his father; that the petitioners were taken to illegal custody and were made to admit to the offence at the Commissioner's office; that in any case the allegations are borne out by records; that custodial interrogation is completed; and that further custody is not required for the purpose of investigation and hence, sought for bail.

4.(i) The learned counsel for the defacto complainant, however, vehemently opposed the grant of bail and submitted that the petitioners had committed systematic fraud; that their bank accounts and credit



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cards, indicate that they had made transactions for several crores in their accounts as well as the accounts of their close family members; that the transactions would reveal the purchase of expensive jewels, luxury cars, repayment of loans and payment to third parties; that some more transactions have to be unearthed; that if the petitioners are now released on bail, it would cause disruption in the ongoing investigation; and that therefore, the petitioners should not be released on bail.

(ii) The learned counsel further objected to the averments made in the bail petition that the petitioners were forced to admit to the offence at the Commissioner's office in the presence of lawyers of the defacto complainant; that such an accusation is false and is an attempt to bring disrepute and arm-twist the counsels for the defacto complainant; and that in view of the false assertions, no relief should be granted to the petitioners.

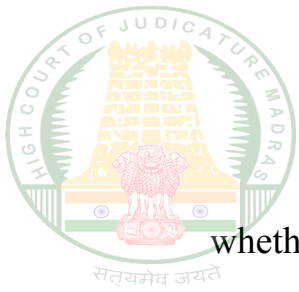
5. Heard the learned Government Advocate (Crl.Side), who reiterated the prosecution case and submitted that the custodial interrogation of the petitioners has now been completed and the investigation is pending.



WEB COPY 6. During the course of submission, the learned counsel for the petitioner in Crl.OP.No.11256 of 2025 would submit that the petitioner has not accused the counsels appearing for the defacto complainant before this Court. In view of the same, this Court is not inclined to decide on the veracity or otherwise of the said allegations in this petition.

7. From the submissions made on either side, it is seen that the petitioners were employed in the two firms. According to the defacto complainant, the alleged misappropriation had taken place between April 2019 and December 2024. It is the case of the petitioners that the said version of misappropriation for a long period is improbable as there were frequent audits in the firms and the employees cannot take a decision on their own and that it was at the instance of one of the partners that these transactions took place. On the other hand, it is the case of the defacto complainant that these petitioners were trusted completely by the partners and taking advantage of the trust, they had misappropriated huge funds.

8. This Court is not called upon to decide at this stage as to



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whether the petitioners are guilty of the offences alleged. The petitioners are in custody from 15.03.2025. The petitioners were taken into police custody and now remanded to judicial custody. It is well settled that the bail cannot be withheld as a punishment.

9. In *Javed Gulam Nabi Shaikh v. State of Maharashtra and another* [2024 SCC OnLine SC 1693] the Hon'ble Supreme Court has observed as follows:

“8. In the aforesaid context, we may remind the trial courts and the High Courts of what came to be observed by this Court in *Gudikanti Narasimhulu v. Public Prosecutor, High Court* reported in (1978) 1 SCC 240.

We quote:

“5...What is often forgotten, and therefore warrants reminder, is the object to keep a person in judicial custody pending trial or disposal of an appeal. Lord Russel, C.J., said [R v. Rose, (1898) 18 Cox]:

“I observe that in this case bail was refused for the prisoner. It cannot be too strongly impressed on the, magistracy of the country that bail is not to be withheld as a punishment, but that the requirements as to bail are merely to secure the attendance of the prisoner at trial.””

10. Apart from submitting that a serious offence has been committed, both the State and the defacto complainant, were unable to point out as to why further custody of the petitioners is required .



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11. The alleged occurrences, even according to the defacto complainant, took place from 2019 onwards and the allegations are borne out by records. The petitioners have permanent roots in the society and therefore, all that has to be ensured is their presence at the trial.



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12. Therefore, considering the aforesaid facts and the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

13. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the learned **Metropolitan Magistrate Court, (CCB & CBCID Cases), Egmore, Chennai**, and on further conditions that:

[a] 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 petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall not commit any offences of similar nature;

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

[e] the petitioners shall not tamper with evidence or witness either during investigation or



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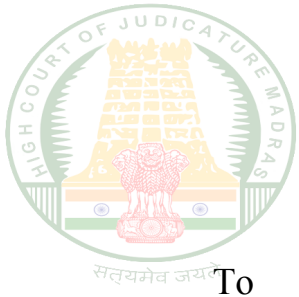
trial;

[f] 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]***;

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

22.04.2025

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To
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1. The Metropolitan Magistrate Court, (CCB & CBCID Cases),
Egmore, Chennai.
2. The Inspector of Police,
Beta-1, EDF-1,
Central Crime Branch-1,
O/o. Police Commissioner Office,
1st Floor, Room No.IC,
Vepery, Chennai – 600 007
3. The Superintendent of Prisons,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.
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Pre-delivery common order in
Crl.O.P.Nos.11256 & 11381 of 2025

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