



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.11787 & 12298 of 2025

Ashok Kumar

.. Petitioner in Crl.O.P. No.11787 of 2025

Gilbert James

.. Petitioner in Crl.O.P. No.12298 of 2025

Vs.

The State rep by
The Assistant Commissioner of Police,
Central Crime Branch,
Coimbatore District.
(Cr.No.4 of 2025)

.. Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of arrest in Cr. No.4 of 2025 on the file of the respondent.

For Petitioners : Mr.R.John Sathyan,
Senior Counsel for
Mr.Prasanth Narayanan PM
in Crl.O.P. No.11787 of 2025
Mr.Abudukumar Rajarathinam,
Senior Counsel for
Mr.Sanjay
in Crl.O.P. No.12298 of 2025



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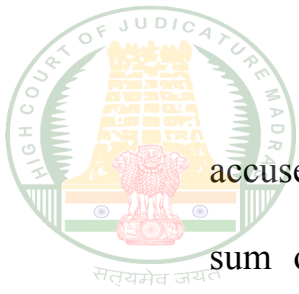


For Respondent : Mr.S.Santhosh,
Government Advocate in both Crl.O.Ps.
CBI Cases.

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 305, 316(2), 319(2), 318(4), 61(2) of the BNS, 2023 and Sections 43, 66, 66D of Information Technology Act, 2000, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a School by name, The Indian Public School Private Limited; that the first accused viz., the petitioner in Crl.O.P. No.12298 of 2025 is the Director in The Indian Public School TIPS Excellence Centre and is a competitor to the defacto complainant; that the second accused viz., the petitioner in Crl.O.P. No.11787 of 2025 is a shareholder holding 19.75% shares in the Company which runs the defacto complainant's school; that there are disputes between the second accused and the defacto complainant with regard to the Management of the School; that therefore, the second



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accused and the first accused in conspiracy attempted to misappropriate a sum of Rs.40,00,00,000/- by diverting fees, impersonating the defacto complainant and transferring the fees to the School run by the first accused; that in all a sum of Rs.4,62,720/-, being the fees of four school students was credited to the account of the first accused in the aforesaid manner; that the second accused had induced the employees of the defacto complainant's school to protest against the defacto complainant and had prevented the defacto complainant from having access to the servers and other computers of the Schools and thus committed the aforesaid offences.

3. The learned Senior Counsel Mr.Abudukumar Rajarathinam, appearing for the petitioner/A1 in Crl.O.P. No.12298 of 2025 would submit that the websites of both the Schools are managed by the common Company by name *Intelvolks*; that there was a mix-up in their office because of similarity in the names as a result of which, the fees of 4 school students of the defacto complainant was credited to the School run by the first accused; that the first accused has nothing to do with the second accused; that taking advantage of a dispute with the second accused, the defacto complainant is alleging conspiracy without any basis; and that the



allegations in any case do not warrant custodial interrogation and sought for anticipatory bail to the petitioner in Crl.O.P. No.12298 of 2025.

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4. The learned Senior Counsel Mr.R.John Sathyan, appearing for the petitioner/A2 in Crl.O.P. No.11787 of 2025 would submit that the petitioner/second accused has 19.75% shares in the Company that runs the defacto complainant's school; that on account of a dispute an Arbitration proceedings is pending between the parties; that there was an interim order passed by the sole Arbitrator on 12.12.2024, that neither party will precipitate any criminal action and that the said order was passed on consent; that even according to the defacto complainant a sum of Rs.4,62,720/- which was credited to the first accused was retransferred to the account of the parents of the students and prayed for anticipatory bail to the petitioner in Crl.O.P. No. 11787 of 2025.

5. The learned Government Advocate reiterated the prosecution case and submitted that the respondent had sought for certain documents from the defacto complainant and that the investigation is at a crucial stage and opposed the grant of anticipatory bail to the petitioners. He further



submitted that the allegations in the complaint is that an attempt was made to misappropriate a sum of Rs.40 Crores.

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6. Admittedly, the first accused is running the School in the name of TIPS Excellence Centre. The defacto complainant was running a School in the name of TIPS. The second accused is holding shares in the defacto complainant's Company to the extent of 19.75%. There is a dispute between the second accused and the defacto complainant with regard to the Management of the School and an Arbitration proceedings was initiated and an interim order was passed by the learned Arbitrator on consent on 12.12.2024. The Arbitrator had specifically directed the parties as follows, “...5.j) *Neither party will precipitate any criminal action, without the leave of the Tribunal...*”

7. The complaint in FIR reveals that a sum of Rs.4.62 Lakhs was credited to the account of the first accused, which was returned to the parents. It is also seen that the Company, which handles the account of both the first accused and that the defacto complainant, had admitted that there was a mix-up and thereafter, they had alerted both the Schools and informed



them of the mix-up. It is also seen from the FIR that the defacto complainant and the first petitioner are running similar schools and there is a competition between them. There is also an allegation of poaching of students and staffs by the first petitioner. The FIR hence primarily discloses a civil dispute between the defacto complainant and the second accused. Considering the aforesaid facts and nature of allegations, this Court is of the view that custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioner in both the petitions 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 **Judicial Magistrate VII, Coimbatore** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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 bail shall stand dismissed and on further condition 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 or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police once in a week i.e., every Monday at 10.30 am until further orders;

[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]**;

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

24.04.2025

Index : Yes / No

Internet : Yes / No

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To

- 1.The Assistant Commissioner of Police,
Central Crime Branch,
Coimbatore District.
- 2.The Judicial Magistrate VII, Coimbatore.
- 3.The Public Prosecutor, Madras High Court, Chennai.

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SUNDER MOHAN, J.

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Crl.O.P.Nos.11787 & 12298 of 2025

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