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Crl.O.P.No.13921 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.13921 of 2025

K.Gowtham Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch,
EDF-1, Beta-1,
Vepery, Chennai – 7.

(Crime No.34 of 2025).

... Respondent

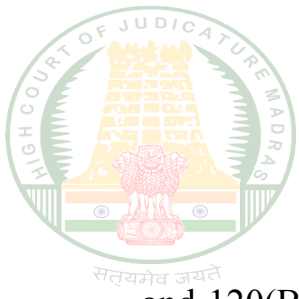
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in Crime No.34 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Ram Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.03.2025 for the offences punishable under Sections 408, 420, 477A r/w 109



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and 120(B) of IPC, in Crime No.34 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused 1 to 3 in this case were working in the two firms viz., Dina Colour Lab and New Colour India Films, in which the de facto complainant is working as a General Manager and 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. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the allegations raised against the petitioner/A2 are questionable and that the complaint was lodged after one of the accused [A8] in this Crime 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 stating that the financial operations were done only at the instance of one Dinakaran, who is the active partner in firms. He further submitted that the said Dinakaran was aware of all the transactions and only at his instance, accounts were opened in the name of the petitioner and other accused and their respective wives and that the amount was handed over to the said Dinakaran and his father. He also submitted that the



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petitioner was taken to illegal custody and was made to admit to the offence at the Commissioner's office.

4. He further submitted that the allegations are borne out by records and further, the petitioner is responsible for Coimbatore region, which comes under the control of A1. He further submitted that similarly placed co-accused A1 and A3 were already enlarged on bail by this Court on 22.05.2025 in Crl.O.P.Nos.11256 & 11381 of 2025. Hence, he prayed for grant of bail to the petitioner.

5. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner stating that the investigation is pending.

6. Heard both sides and perused the materials available on record.

7. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing for the petitioner that the petitioner/A2 herein was working under A1 and the said A1 was enlarged on bail by this Court in Crl.O.P.Nos.11256 & 11381 of 2025 dated 22.04.2025 and taking note of the fact that the petitioner is also stands on the same footing as that of the first accused, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned **Metropolitan Magistrate for exclusive trial of CCB cases (Relating to cheating cases in Chennai) and CBCID Metro cases, Egmore, Chennai - 08**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;



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[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

14.05.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Metropolitan Magistrate for exclusive trial of CCB Cases (Relating to Cheating cases in Chennai) and CBCID Metro cases, Egmore, Chennai - 08.
2. The Inspector of Police, Central Crime Branch, EDF-1, Beta-1, Vepery, Chennai – 7.
3. The Superintendent, Central Prison, Puzhal.
4. The Public Prosecutor, High Court of Madras.



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M.NIRMAL KUMAR, J.

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