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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22-09-2025**

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.25059 of 2025
and Crl.M.P.No.17591 of 2025

Mansoor Ali ... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Avadi-CCB Police
Avadi City.
(Crime No.38 of 2024) ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in Crime No.38 of 2024 on the file of the respondent police.

For Petitioner(s)	:	Mr. V. Karthikeyan
For Intervener	:	Mr. Aravind Chandrasekaran
For Respondent(s)	:	Mr. A. Gopinath Government Advocate (Crl. Side)

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.08.2025, for the offences punishable under Sections 406, 409, 465, 468, 467 and 420 of IPC in Crime No.38 of 2024, registered on the file respondent police, seeks bail.

2. The case of the prosecution is that, the defacto complainant, who is the founder Director and share holder of the company by name M/s.Seikodenki India Pvt. Limited, having office at SIDCO Industrial Estate, Thirumazhisai, which was established in India in 2017 lodged a complaint stating that, the A1 was appointed as Operational Director of the said company; that thereby A1 along with other accused misappropriated the funds of the said company to the extent of Rs.2 Crores, which was transferred to the personal account of A2, who was one of the directors of the said company and subsequently, A2 transferred his shares to A1 without due procedures and approval of the board. The allegation against the petitioner/ A8 herein is that he is the brother of A2 and had actively conspired and helped them to swindling the funds of the company. Hence, this case.

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3. The learned counsel appearing for the petitioner submitted that the defacto complainant himself was declared as Insolvent by the High Court, Singapore dated 22.12.2021, hence he cannot maintain a complaint against the petitioner herein and any other persons. He further submitted that the defacto complainant was a director of the said company but subsequently he was removed from the post of director on 09.04.2021 as per the procedure, for the allegations of misappropriation of company funds. The defacto complainant challenged its removal as a Director before the National Company Law Tribunal, Chennai and since it has been contested by the parties, the defacto complainant lodged the present complaint after a delay of 4 years stating misappropriation and mismanagement of the said company. He also submitted that the co-accused/ A1 and A2 were granted anticipatory bail by this Court and the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned counsel for the intervener raised strong objection to the bail application of the petitioner by stating that the though at the time

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of lodging the complaint, the allegation is made, for misappropriation of Rs.2 crores, however the total misappropriation of company's funds is to the tune of Rs.4,44,64,106/- by the petitioner and other accused. He also stated that the petitioner along with other accused had fabricated the company documents as well as resolution letter, thereby removed the defacto complainant from the company board and the petitioner is brother of one of the directors of the company, misappropriated the company's funds and transferred it to his personal account and he had actively helped his brother/ A2. He also submitted that the petitioner had filed various false complaints against the defacto complainant and also tried to contact the witnesses of this case and threatened them.

5. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner, reiterated the prosecution case and stated that on investigation of the bank transaction statement reveals that the petitioner/ A8 along with his brother had swindled a sum of Rs.4,44,64,106/- and out of which they have returned only Rs.2,23,50,000/- and still a sum of Rs.2,21,14,106/- is being misappropriated. He also submitted that the bank transaction details and

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documents clearly shows that the petitioner had misappropriated the company funds to the tune of Rs.2 Crore himself and also conspired with his brother/ A2 and other accused. He further submitted that A2 has obtained anticipatory bail from this Court in Crl.O.P.No.12642 of 2024 on 04.07.2024, but had failed to comply with any of the condition as ordered by this Court, hence the state had preferred cancellation of Anticipatory bail application in Crl.M.P.No.15817 of 2024, which is pending.

6. I have considered the submissions made and perused the materials available on record.

7. Considering the facts and circumstances of the case, the allegations are borne out of records, the co-accused/ A1 and A2 against whom allegation of misappropriation is made were already granted anticipatory bail by this Court, taking note of the fact that already the defacto complainant approached the National Company Law Tribunal, Chennai as early as in C.P.No.16 of 2022, seeking remedy for mismanagement of company including refund of money transferred by Accused No.2 and also challenging his removal and the period of

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incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Poonamallee, Chennai** 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 daily at 10:30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;**

[c] 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

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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**];**

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

9. Accordingly, this criminal original petition and the connected criminal miscellaneous petition are ordered.

22.09.2025
(1/2)

stn

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 Judicial Magistrate-I,
   Poonamallee, Chennai.

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K. RAJASEKAR, J.

stn

2. The Inspector of Police,
   Avadi-CCB Police
   Avadi City.
   (Crime No.38 of 2024)

3. The Superintendent,
   Central Prison, Chennai.

4. The Public Prosecutor,
   High Court of Madras.

Crl.O.P. No.25059 of 2025

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(1/2)

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