IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 32035 of 2024

1.Manogaran
2.Jayanthi
3.Lakshmipathy

Petitioners

Vs

State Rep. by Inspector of Police,
City Crime Branch, Coimbatore,
Coimbatore District.

Respondent

For Petitioner:

Mr.Kannadasan E

For Respondent:

Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.71 of 2024 registered for the offences punishable under Sections 465, 468, 471 and 120(B) of IPC, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the 1st petitioner is running a business in the name and style of M/s.Electro India UPS, Inverter and Batteries as dealers and services for invertors batteries and UPS. In the year 1998, the defacto

complainant had worked in the said company on a monthly salary basis as a Manager, till the year 2007. During the course of his business, in the year 2004, the 1st petitioner asked him certain blank papers and required his signature for administration purpose. During the year 2006, the 1st petitioner opened the bank account in the South Indian Bank, Sai Baba colony branch, Coimbatore. Subsequently, the defacto complainant came to know that for the purpose of auditing, the accused had opened proprietorship concerned in the name of M/s.Maha Power Controls. During his entire tenure, the defacto complainant signed in respect of any business transaction with regard to M/s.Maha Power Controls. In the year 2012, with the help of his father-in-law, the defacto complainant started a business in the name and style of M/s.Electro Thermal Power Station. While so, in the year 2014, the Commercial Tax Officers have conducted a raid in the office of M/s. Electro India UPS, Inverter and Batteries, during the course of the raid, it was found that the petitioners 1 and 2 have carried on the business in the name of M/s.Maha Power Control. Further, the petitioners 1 and 2 were aware that the defacto complainant had left the company in the year 2007 and he was in abroad during the year 2010-12. They misused the company M/s.Maha Power Control and also misused the cheques of the company without the knowledge of the defacto complainant. Further, in the year 2014, a notice was received from the Commercial Tax Officer, to pay an amount of Rs.1,61,78,444/-

towards the penalty for commercial tax for running a business in M/s.Maha Power Control. After due enquiry, the defacto complainant came to know that the petitioners 1 and 2 along with 3 others in order to take over the business had committed cheating. Hence, the case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this court. He would submit that first petitioner and the defacto complainant are brothers, they were running a business together and the defacto complainant is liable to pay a tax of Rs.1,61,78,444/- and only in order to escape from the clutches of law, he has given a false complaint, as if, the petitioners have started the company in his name. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that, the 1st petitioner and the defacto complainant are brothers. He would submit that, initially they worked together and A-1 had opened a company in the name of the defacto complainant. He would submit during the year 2014, a notice was issued for payment of tax to the tune of

Rs.1,61,78,444/-. He would submit that, during the course of enquiry, it was found that the accused had misused the documents in the name of the defacto complainant. He would further submit that, investigation is pending and the documents collected were sent for forensic science department.

5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.VII, Coimbatore,** on condition that the petitioners shall execute a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with two sureties, each 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

02.01.2025

dsn

A.D.JAGADISH CHANDIRA, J.

dsn

Crl.O.P.No.32035 of 2024

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