



Crl.O.P.Nos.32587, 32597, 32662 & 32663 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NOS. 32587, 32597, 32662 & 32663 of 2024

J.Balachandran

.. Petitioner/A2 in
Crl.O.P.No.32587/2024

Vijayalakshmi Shanmugam

.. Petitioner/A3 in
Crl.O.P.No.32597/2024

C.S.Suresh Arumugam

.. Petitioner/A1 in
Crl.O.P.No.32662/2024

Nandhini

.. Petitioner/A4 in
Crl.O.P.No.32663/2024

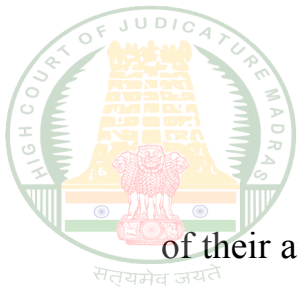
Vs

The State, rep. by
Inspector Of Police,
E-1, Singanallur Police Station,
Coimbatore City Police,
Coimbatore.
(Crime No.580 of 2024)

... Respondent in
all Crl.O.P.s

COMMON PRAYER: Criminal Original Petitions have been filed under

Section 482 of B.N.S.S. praying to enlarge the petitioners on bail in the event



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of their arrest in Crime No. 580 of 2024 pending investigation on the file of the respondent police.

**For Petitioner in
all Crl.O.P.s**

: Mr.Raja Rao

**For Respondent
in all Crl.O.P.s**

: Mr.Leonard Arul Joseph Selvam,
Govt. Advocate (Crl. Side)

For Intervenor

: Mr.S.Tamilselvan

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) & 506(1) of I.P.C. in Crime No.580 of 2024 on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that A1 to A3 are Directors of Company by name M/s. Evolve Bath and Living Pvt. Ltd.; that A4 is wife of A1; that the defacto complainant invested a sum of Rs.10,00,000/- in their company in the year 2015 since A1 to A3 proposed to share the profits with the defacto complainant's company; that till 2023, the defacto complainant was



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not allotted shares; that though thereafter, shares were allotted, the petitioners did not share the profits with the defacto complainant and also did not render proper accounts. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that A1 and A2 are only Directors and A3 is mother of A1 and A4 is wife of A1; that it is the case of commercial transaction and the complaint is not maintainable and the only allegation is that the petitioner did not render proper accounts; that it is only a civil transaction; and that in any case, his custodial interrogation is not required. The learned counsel would submit that in the order of this court made in Crl.O.P.No.24934 of 2022 this court recorded that “*there is a civil dispute between the petitioner and the defacto complainant*”. Hence, he prayed for the grant of anticipatory bail to the petitioner.

4. The learned counsel for defacto complainant, however would submit that the petitioner in the year of 2023 had promised to share the profits, but cheated the defacto complainant of the profits and hence, guilty of offences and opposed the grant of anticipatory bail.



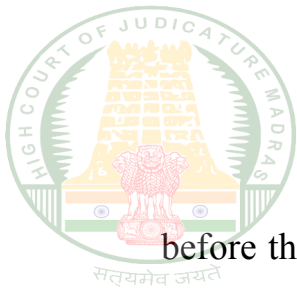
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5. The learned Government Advocate (Crl. Side) reiterated the prosecution case and on instructions submitted that it is a case of investment made by the defacto complainant and not sharing of profits by the petitioners. Hence, he prayed to dismiss this petition.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.

7. Considering the aforesaid facts and the nature of allegation, the fact that it is the case of commercial transaction between the petitioner and the defacto complainant and the case is borne out by records, this Court is of the view that their custodial interrogation is not required for the purpose of investigation. In such circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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 of receipt of a copy of this order,



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before the learned **III Judicial Magistrate, Coimbatore** on condition that the

petitioners shall execute 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

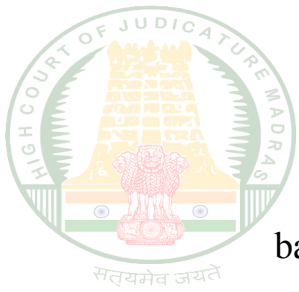
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police 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



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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.

10.02.2025

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To

1. III Judicial Magistrate,
Coimbatore.
2. The Inspector Of Police,
E-1 Singanallur Police Station,
Coimbatore City Police,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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