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CRL OP No. 31303 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 31303 of 2025

1. G.Surendran

24/4, Vaigai Street, Kalashetra Colony,
Besant Nagar, Chennai-90.

Petitioner(s)

Vs

1. The State of Tamil Nadu rep by The
Inspector of Police
CCB-I, Chennai.

Respondent(s)

PRAYER

To enlarge the petitioner on bail pending investigation in Crime No.238 of 2024 on the file of the Inspector of Police, CCB-I, Chennai and pass such other orders as this Honble Court.

For Intervener : Mr.A.Natarajan, Senior Advocate for
MR.M.Mohamed Muzammil

For Petitioner(s): Mr.Abdul Saleem, Senior
Advocate for Mr.C.Suraj

For Respondent(s): Mr.A.Gopinath
Government Advocate (Crl.Side)

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 28.10.2025, for the alleged offence punishable under Sections 409, 420, 465, 467, 468, 471, 477A, 109 and 120B of IPC, 1860 in Crime No.238 of 2024, on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner is one of the partner running a partnership firm along with the de facto complainant and her husband. It is alleged that while managing the affairs of the partnership firm, he siphoned off Rs. 1.17 crores from the partnership firm account. It is alleged that the petitioner, by taking advantage of the signing authority, transferred the funds, similarly by paying excess salary and by getting back the same, funds were diverted. Similarly, by forging signatures of the partners, also the funds were siphoned off. Hence the complaint.

3. The learned senior counsel for the petitioner submitted that earlier, a civil suit was filed by the petitioner for dissolution and rendition of accounts of the partnership firm. According to him, he has made certain allegations against the other partner that they were also involved in misappropriation of funds. The learned senior counsel further submitted that he also repaid the bank loan from his own contributions for the purpose of protecting the properties of the partnership firm, and purely the business transactions have been given a criminal color, and all the money transactions took place through accounts.



Hence, further incarceration is not necessary. Hence, he prayed for grant of bail to the petitioner.

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4. The learned counsel for the intervener submitted that it is a clear case of breach of trust and misappropriation. Taking advantage of the relationship, this petitioner has siphoned off Rs. 1.17 crores by adopting various methods, and so far, no amount is recovered. And if the petitioner is granted bail, there is a likelihood of tampering with the investigation. He further submitted that the suit was filed by the petitioner only for the purpose of avoiding the filing of criminal complaints against him. Hence, he opposed for grant bail to the petitioner.

5. The learned Government Advocate (Crl.Side) reported that there are totally three accused in this case, and all of them were arrested and are in custody. This petitioner is one of the partner, and the other two accused are employees of the partnership firm. So far, no amount is recovered, and the investigation is pending. Hence, he opposed for grant bail to the petitioner.

6. I have considered the submissions made on both sides and perused the records. Admittedly, the issue involved in this case is the misappropriation of funds of partnership firm. The petitioner has already resorted, filing a civil suit for rendition of accounts of the partnership firm. Once the process of rendition of accounts is started, it will give a clear picture as to who is involved in



misappropriation of funds. Though it is alleged that the petitioner is involved in siphoning off accounts to the extent of Rs. 1.17 crores, there is also a counter-allegation leveled by the petitioner that about Rs. 80 lakhs have also been misappropriated by the other partners. The petitioner is in custody from 28.10.2025, and all the transactions taken place regarding the administration of the partnership firm is borne out of record, hence I am of the view that the petitioner's further incarceration is not necessary. Hence, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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, each for a like sum to the satisfaction of the *learned Metropolitan Magistrate for Exclusive Trial of CCB & CBCID Cases, Chennai*, and on further conditions that:-

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

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner shall not tamper with the evidence or witness 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 petitioner in accordance with law as if the 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)AIR SCW 5560];

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

17-11-2025

($\frac{1}{2}$)

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

mpa



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. Metropolitan Magistrate for Exclusive Trial of CCB & CBCID Cases, Chennai.

2. The State of Tamil Nadu rep by The
Inspector of Police
CCB-I, Chennai.

3. The Superintendent of Police,
Central Prison, Puzhal.

4. The Public Prosecutor
High Court of Madras.



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K.RAJASEKAR J.
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