

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge  
Thursday, the 26<sup>th</sup> day of August 2021**

**CrI.M.P.No.13597/2021**

**in**

**CBI/ACB/Chennai R.C.No.032 2021 A 0010**

**And**

**CrI.M.P.No.13598/2021**

**in**

**CBI/ACB/Chennai R.C.No.032 2021 A 0008**

CrI.M.P.No.13597/2021

T. Ganesh

.. Petitioner/Accused.

Vs.

State Rep. by  
The Inspector of Police,  
CBI/ACB/Chennai.

..Respondent/Complainant.

And

CrI.M.P.No.13598/2021

T. Ganesh

.. Petitioner/Accused.

Vs.

State Rep. by  
The Inspector of Police,  
CBI/ACB/Chennai.

..Respondent/Complainant.

Both the petitions came on 23.8.2021 before me for hearing, upon hearing M/s. A.V. Somasundaram, S. Umanachiar, G. Ramadhevi, N.S. Ganesh, J.Suresh, R.Rachana, Counsel for the petitioner in both the petitions and of Spl. PP for respondent, this Court delivered the following :

**COMMON ORDER**

1. The petitioner, who apprehends arrest at the hands of the respondent police,

(i) for the alleged offence u/s. 120B r/w. 420 IPC and Sec.13(2) r/w. 13(1)(d) of

P.C. Act 1988 in R.C.No.032 2021 A 0010 and

(ii) for the alleged offence u/s. 120B, 420 IPC and Sec.13(2) r/w. 13(1)(d) of P.C. Act 1988 in R.C.No.032 2021 A 0008 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner and the learned CPP were heard through Video Conference.

3. Learned counsel appearing for the petitioner submits that the petitioner is a Anna University B.E. Graduate in Leather Technology. He had started a export business in Leather by name "M/s. Tharam Exports" and he is doing main business of exporting leather garments to foreign countries, namely USA, U.K., Chezh Republic, Canada, Norway, Sweden and Denmark etc., The petitioner is maintaining the company's turn over of Rs.5 Crore consecutively for 5 years. He has been conferred with so many rewards in the domain of Leather business for more than 35 years. He is an Income Tax Assessee paying tax properly. In the year 2002, he joined as Partner with M/s. RGS Leather Exports, a registered partnership firm. The said partnership was reconstituted in the year 2017. The petitioner retired from the partnership of M/s. RGS Leather Exports on 16.4.2018. There was a loan sanctioned by the Nationalised Bank for M/s RGS Leather Exports. It is alleged by the prosecution as if there was some mischief in obtaining the loan by giving a collateral security with exaggerated inflated value, on that basis with the connivance of the bank officials loan has been sanctioned, when the loan became bad and on inspection, it is found that the value of the property given as collateral security is very low. As such the case has been registered against the petitioner and others. One more company by name M/s. La Gente Chimici Pvt. Ltd., For the said company also loan has been sanctioned by the Punjab National Bank, for which, property of M/s. RGS Leather Exports was given as collateral security. There was no fraud committed as alleged in the FIR. In fact, as on date, the petitioner is not at all a partner in M/s. RGS Leather Exports. Originally, the complaint was given before the CBI, Delhi. Without making any preliminary enquiry, after long time, it has been forwarded to CBI/ACB/Chennai. They have registered the case without conducting any preliminary enquiry. As per FIR, involvement of some other public servants were also implicated. That being so, as mandated by Sec.17A of the Prevention of Corruption Act, 1988 amended in 2018, without sanction of the Government, case cannot be registered. In violation of all rules and

regulations, the case has been registered against the individuals, who had obtained loan. Whatever it be, the petitioner is noway connected with the crime. He is no longer a partner in M/s. RGS Leather Exports, which alleged to have given collateral security of its property for the loan obtained by M/s. RGS Leather Exports as well as M/s. La Gente Chimici Pvt. Ltd., Hence, prays for granting anticipatory bail in both the cases.

4. On the other hand, learned Spl. PP filed separate counter and submits that after obtaining loan from the banks in the name of M/s. RGS Leather Exports and M/s. La Gente Chimici Pvt. Ltd., clandestinely, the petitioner exit from the partnership in order to show that he is innocent. In fact, he is the brain behind the crime. He is a major sharer of the partnership firm M/s. RGS Leather Exports and the alleged retirement from the partnership firm is by way of unregistered document, which has no legal force. It has been created in order to safeguard himself from the prosecution and the public money has been swindled under the guise of loan by furnishing the property worth about Rs.200 lakh as if, it is worth about Rs.1600 lakh. The loan obtained is totally Rs.10 Crore, out of which, M/s. RGS Leather Exports was granted nearly Rs.5,50,00,000/- and M/s. La Gente Chimici Pvt. Ltd., was also granted such loan. In fact, the loan was not used for the business purpose. They have managed to furnish the property of M/s.RGS Leather Exports, a unit at Pinji Village, Walajah Taluk, Vellore District as security for the loan with exaggerated value. The Valuer, by name Jagannathan of Puducherry valued the property as Rs.1,500 lakh. Second Valuation Report given by Mr. G. K. Manokharan, Thiruvallur is to the effect that the property is worth about Rs.1921 lakh. When the loan was converted as NPA, the Bank Panel Valuer M/s. Hi-Tech Valuers, Chennai inspected the property and valued the same only for Rs.220 lakh. So, it is evident that there was a fraud committed by the valuer as well as bank officials in furnishing the property worth about Rs.220 lakh as if it is more than Rs.1500 lakh. On that basis, loan has been sanctioned. So, the conduct of the parties itself would go to show the criminal intention behind the borrowing and thus seriously objects granting anticipatory bail.

5. With reference to the anticipatory bail before this court in connection with Anti Corruption case is concerned, learned counsel for the petitioner submitted the copy of the order passed by our Hon'ble High Court in CrI.O.P.No.28874/2019 rendered by Hon'ble

Justice Mr. M. Dhandapani on 21.2.2020. It would go to show that the Principal Sessions Court, Chennai is the competent court to grant anticipatory bail even in cases under the provisions of Anti Corruption Laws. So, the maintainability of this petition before this court is undisputed.

6. Coming to the facts, the petitioner contends that he was retired from the partnership in the year 2018 itself. The type set was produced to show the retirement from partnership by Ganesh, petitioner herein. However, on perusal of the Partnership Deeds previously entered into between the parties dated 20.10.2017, profit share for the present petitioner is 58%. As per subsequent Partnership Deed, dated 21.11.2017, the profit share of the petitioner is 90%. Thereafter, it is alleged that he retired from the partnership under the document dated 16.4.2018 by receiving Rs.21,65,246/- towards his share and the property of M/s. RGS Leather Exports. As evidenced by the document filed by the petitioner's counsel by way of type set, it appears the partnership was in existence in the year 2017. Originally, the petitioner and two others were partners and subsequently there were inclusion and exclusion of partners. At last, as stated earlier on 21.11.2017, except Govindaraj, Mohanapriya and the present petitioner, other partners retired. Ganesh, the petitioner herein is the 3<sup>rd</sup> partner, who is entitled to 90% of profit share. Govindaraj and Mohanapriya are each entitled to 5% of share. Within few months, the present petitioner retired from the partnership appears to be make-believe affair. Whether it has been reported to Registrar of Firms or not, there is no evidence.

7. Admittedly, both the companies obtained loan to the tune of more than Rs.5 Crore each from the bank by furnishing the property of M/s. RGS Leather Exports. The property not even worth about Rs.2 Crore has been shown as worth about Rs.15 Crore and a loan of more than Rs.10 Crore had been obtained. So prima facie, the facts would go to show that the present petitioner is the brain behind the crime.

8. Learned counsel for the petitioner invites this court's attention to the decision of the Hon'ble Supreme Court in Crl.Appeal No.838/2021 reported in "*Live Law 2021 S.C. 391 between Siddharth Vs. State of Uttar Pradesh*" and submits that arrest is not necessary. Personal liberty is an important aspect of our constitutional mandate. Even the arrest is made routine, it can cause incalculable harm to the reputation and self-esteem of a

person and thus arrest itself is not necessary in such cases and prays for granting anticipatory bail.

9. Though the said decision would go to show the same, as far as this case is concerned, the facts itself speaks. M/s. RGS Leather Exports is a partnership firm, in which, the present petitioner is having major share nearly 90%. The property of M/s. RGS Leather Exports was given as security for the loan obtained by said firm as well as by M/s. La Gente Chimici Pvt. Ltd.,. The value of the property has been blown up to show it is worth about more than Rs.1500 lakh. On the basis of the exaggerated value, the petitioner and others managed to get sanction of loan for more than Rs.10 Crore in total. The facts disclosed by the documents filed would go to show the grave nature of the offence committed and swindling the public money under the guise of loan, which cannot be viewed easily as alleged by the petitioner's counsel. Though the petitioner is having reputation and owns business in Leather Exports, he involved himself in a fraud in obtaining loan on the basis of the false inputs defaulting the same. Considering the gravity of offence, this court is not inclined to grant anticipatory bail to the petitioner in both the cases.

10. Hence, both the petitions are dismissed.

Delivered by me today.

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**Principal Sessions Judge**

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IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021**

**CrI.M.P.No. 13441/2021**

in

**J-3 Guindy Traffic Investigation Wing Crime No.351/2021**

Vinothkumar

.. Petitioner/Accused

Vs.

State Rep. by  
The Inspector of Police,  
J-3 Guindy Traffic Investigation Wing,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing Mr. A. Kasi, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

**ORDER**

1. The petitioner, who was arrested on 10.8.2021 for the offences punishable under Section 279, 304(ii) IPC & sec. 177 of Motor Vehicles Act in Crime No. 351/2021 on the file of the respondent police, seeks bail.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that the petitioner and the deceased are close friends. It is a road accident. The petitioner is not a cause for the accident. He is in custody for the past 15 days and prays for bail.

4. The case of the prosecution is that this petitioner drove his vehicle in a rash and negligent manner and due to that the pillion rider fell down and sustained head injury and later he was declared dead.

5. The parents of the deceased appeared before the Court and filed an affidavit stating that they have no objection to release the petitioner since this petitioner is the close friend of their deceased son.

6. Considering the duration of custody and alleged understanding between the family members of the petitioner and the victim, this court is inclined to grant bail to the petitioner subject to following condition.

7. 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 likesum to the satisfaction of the learned XVIII Metropolitan Magistrate, Chennai and on further condition 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 appear before the respondent police daily at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioner 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 above petitioner in accordance with law as if the conditions have been imposed and the above 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

**Principal Sessions Judge**

Copy to :

1. The XVIII Metropolitan Magistrate, Chennai.
2. The Superintendent, Sub-Jail, Chengalpattu.

vv

CrI.M.P.No. 13441/2021

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021**

**Crl.M.P.No. 13660/2021**

in

**F-2 Egmore P.S. Crime No. 553/2021**

Velkumar

.. Petitioner/Accused.

Vs.

State Rep. by  
The Inspector of Police,  
F-2 Egmore Police Station,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s. M. Selvakumar, N. Naresh, Counsel for the petitioner and of CPP for the respondent and upon hearing them, this Court delivered the following

**ORDER**

1. The petitioner, who was arrested on 26.7.2021 for the offence punishable under Section 294(b), 353, 328 IPC r/w sec. 24(1) of COTP Act in Crime No.553/2021 on the file of the respondent police, seeks bail.
2. Learned counsel for the petitioner submits that he is withdrawing this bail application as against the petitioner.
3. In view of the representation made by the counsel for the petitioner, this petition is dismissed as withdrawn.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021**

**CrI.M.P.No. 14018/2021**

in

**F-2 Egmore P.S. Crime No. 553/2021**

Velkumar

.. Petitioner/Accused

Vs.

State Rep. by  
The Inspector of Police,  
F-2 Egmore Police Station,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. T.V. Somasundaram, U. Yuvaraj, P. Praveen Kumar, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

**ORDER**

1. The petitioner, who was arrested on 26.7.2021 for the offences punishable under Section 294(b), 353, 328 IPC r/w sec. 24(1) of COTP Act 2003 in Crime No. 553/2021 on the file of the respondent police, seeks bail.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that the respondent police issued Sec. 41A notice for enquiry in connection with Crime No.552/2021. When, he went for enquiry, the respondent police arrested him in Crime No. 553/2021 and he was remanded to custody. The petitioner is in custody from 26.7.2021 and prays for granting bail.

4. The case of the prosecution is that during search made in the petitioner's house, the respondent police seized 1,25,056 packets of banned tobacco products.

5. According to CPP, huge quantity has been seized from the petitioner.

6. No previous case is reported as against the petitioner. No one is reported as hospitalized due to the consumption of alleged contraband. The petitioner is in custody for

the past one month. Considering the duration of custody, this court is inclined to grant bail to the petitioner subject to following condition.

7. 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 likesum to the satisfaction of the learned XIV Metropolitan Magistrate, Chennai and on further condition 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 appear before the respondent police daily at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioner 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 above petitioner in accordance with law as if the conditions have been imposed and the above 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

**Principal Sessions Judge**

Copy to :

1. The XIV Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.

vv

CrI.M.P.No. 14018/2021

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021**

**CrI.M.P.No. 13784/2021**

in

**P-1 Pulianthope P.S. Crime No. 1128/2021**

Koil Raj

.. Petitioner/Accused

Vs.

State Rep. by  
The Inspector of Police,  
P-1 Pulianthope Police Station,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. E. Pandian, A. Suresh, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

**ORDER**

1. The petitioner, who was arrested on 12.8.2021 for the offences punishable under Section 328, 273 IPC and sec. 24(1) of COTP Act 2003 in Crime No. 1128/2021 on the file of the respondent police, seeks bail.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that the petitioner is innocent of the offence. He has not committed any offence as alleged by the prosecution. False case has been foisted on him only for statistical purpose. He has no bad antecedents. He is in custody from 12.8.2021 and prays for granting bail.

4. The case of the prosecution is that during patrol duty, this petitioner was found in possession of 1 Kg of banned tobacco products for sale.

5. According to CPP, the property involved in this case has been recovered and the petitioner has no bad antecedents.

6. No previous case is reported as against the petitioner. No one is reported as hospitalized due to the consumption of alleged contraband. The petitioner is in custody for

the past two weeks. Considering the duration of custody, this court is inclined to grant bail to the petitioner subject to following condition.

7. 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 likesum to the satisfaction of the learned X Metropolitan Magistrate, Chennai and on further condition 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 appear before the respondent police daily at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioner 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 above petitioner in accordance with law as if the conditions have been imposed and the above 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

**Principal Sessions Judge**

Copy to :

1. The X Metropolitan Magistrate, Chennai.
2. The Superintendent, Sub-Jail, Ponneri.

vv

CrI.M.P.No. 13784/2021

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021**

**Crl.M.P.Nos. 14032 & 14528/2021**

in

**P-6 Kodungaiyur P.S. Crime No.2040/2021**

Ashik @ Mohammed Ashik

.. Petitioner/Accused  
in Crl.M.P.No.14032/2021

Meeran @ Nagoor Meeran

.. Petitioner/Accused  
in Crl.M.P.No.14528/2021

Vs.

State Rep. by  
The Inspector of Police,  
P-6 Kodungaiyur Police Station,  
Chennai.

..Respondent/Complainant.

The above petitions are coming on this day before me for hearing, upon hearing M/s. A. Sugumar, Counsel for the petitioner in Crl.M.P.No. 14032/2021 and of M/s. I.Md. Arif, D. Manoj Kumar, R. Ram Kumar, L. Leo Valan, K. Monika, Counsel for the petitioner in Crl.M.P.No.14528/2021 and of CPP for respondent, this Court delivered the following :

**COMMON ORDER**

1. The petitioners, who were arrested on 13.8.2021 for the offences punishable under Section 273, 328 IPC and sec. 24(1) of COTP Act 2003 in Crime No. 2040/2021 on the file of the respondent police, seeks bail.

2. The counsel for the petitioners and CPP were heard through Video Conference.

3. Learned counsel for the petitioners in both the petitions submits that the petitioners are innocent of the offence. They have been falsely implicated in this case and they have nothing to do with the alleged offence. The petitioners are in custody from 13.8.2021 and prays for granting bail.

4. On the other hand, learned CPP submits that these petitioners were found in possession of 300 Kg of banned tobacco products at the time of search made by the police and seriously objects the granting of bail.

5. Considering the fact that huge quantity of banned tobacco products were seized from the petitioners, this court is not inclined to grant bail to the petitioners are present.

6. Both the petitions are dismissed.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021**

**CrI.M.P.No. 14286/2021**

in

**P-3 Vyasarpadi P.S. Crime No. 747/2021**

Surendar

.. Petitioner/Accused

Vs.

State Rep. by  
The Inspector of Police,  
P-3 Vyasarpadi Police Station,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. A. Murugavel, R. Kothandan, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

**ORDER**

1. The petitioner, who was arrested on 29.7.2021 for the offence punishable under Section 394 IPC in Crime No. 747/2021 on the file of the respondent police, seeks bail.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that this petitioner is innocent of the offence. He has not committed any offence as alleged by the prosecution. False case has been foisted on him with an ulterior motive. He is in custody from 29.7.2021 and prays for granting bail.

4. The case of the prosecution is that this petitioner along with other accused came in a motor bike and snatched away the cash bag which contains cash Rs.11,87,371/- from the victim.

5. According to CPP, huge amount is involved in this case and objects the grant of bail.

6. Considering the quantum of amount involved in this case and nature of offence, this court is not inclined to grant bail to the petitioner at present.

7. Petition is dismissed.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August 2021**

**Cr.L.M.P.No. 14439/2021**

in

**P.4, Basin Bridge P.S. Crime No.1304/2021**

Nantha Kumar

.. Petitioner/Accused.

Vs.

State Rep. by  
The Inspector of Police,  
P.4, Basin Bridge Police Station,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. M. Senthilkumar, M. Madhankumar, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

**ORDER**

1. The petitioner, who was arrested on 5.8.2021 for the offence punishable under Section 147, 148, 341, 294(b), 324, 307, 506(ii) IPC in Cr.No.1304/2021 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner and learned CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that there was a quarrel between two groups. Counter case has been registered in Cr.No.1313/2021 on the file of respondent police. Co-accused was granted bail by this court on 11.8.2021. The petitioner is in custody from 5.8.2021 and hence prays for granting bail.

4. On the other hand, learned CPP submits that it is a grave case of 307 IPC. This petitioner is the prime accused. There is specific overtact as against the petitioner. Earlier petition was dismissed on 17.8.2021 and that there is no change in circumstances and objects the grant of bail.

5. On perusal of the Case Diary, it appears that there exists previous motive between two groups. Due to that previous enmity, victim/Vasanthakumar was assaulted with deadly

weapon. As per the complaint, the assault is made by this petitioner using deadly weapon. There is a counter case also. Considering the above facts, overtact attributed as against the petitioner, no change in circumstance was reported after the dismissal of earlier bail application and nature of injury inflicted on the head of the victim, this court is not inclined to grant bail to the petitioner.

6. Petition is dismissed.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021.**

**CrI.M.P.No. 14520/2021**

in

**G-3 Kilpauk P.S. Crime No. 296/2021**

T. Saikrishna

.. Petitioner/Accused

Vs.

State Rep. by  
The Inspector of Police,  
G-3 Kilpauk Police Station,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. A. Arul Alex, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

**ORDER**

1. The petitioner, who was arrested on 28.7.2021 for the offence punishable under Section 341, 294(b), 392, 336, 397, 427 and 506(ii) IPC in Crime No. 296/2021 on the file of the respondent police, seeks bail.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that the petitioner is innocent of offence. False case has been foisted on him only for statistical purpose. His wife is in advanced stage of pregnancy. He is in custody for the past one month and prays for granting bail.

4. The case of the prosecution is that this petitioner along with other accused picked up quarrel with the defacto complainant and suddenly taken away Rs.1800/- from him at knife point.

5. Medical records confirm the fact that the the petitioner's wife is now in advanced stage of pregnancy. According to CPP, this petitioner is having 4 previous cases.

6. The petitioner is in custody for about a month. Considering the duration of custody and the reason stated supra, this court is inclined to grant bail to the petitioner subject to following condition.

7. 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 likesum to the satisfaction of the learned II Metropolitan Magistrate, Chennai and on further condition 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 appear before the respondent police daily at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioner 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 above petitioner in accordance with law as if the conditions have been imposed and the above 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

**Principal Sessions Judge**

Copy to :

1. The II Metropolitan Magistrate, Chennai.
2. The Superintendent, Sub-Jail, Madhuranthagam.

vv

CrI.M.P.No. 14520/2021

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021.**

**CrI.M.P.No. 14521/2021**

in

**H-1 TIW, Washermenpet P.S. Crime No. 86/2021**

Chinnathambi

.. Petitioner/Accused

Vs.

State Rep. by  
The Inspector of Police,  
H-1 TIW, Washermenpet Police Station,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. V. Suganya, J. Usha, R. Venkatesan, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

**ORDER**

1. The petitioner, who was arrested on 22.8.2021 for the offence punishable under Section 279, 304(ii) IPC in Crime No. 86/2021 on the file of the respondent police, seeks bail.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that the petitioner is innocent of offence. He has nothing to do with the alleged offence. He was not drunk at the time of occurrence. He is not responsible for the death of the deceased. Due to the negligence on the part of the victim, the accident took place. He is in custody from 22.8.2021 and prays for granting bail.

4. The case of the prosecution is that this petitioner drove the vehicle in a rash and negligent manner under the influence of alcohol and dashed against the victim and the victim died on the way to hospital.

5. According to CPP, the arrest of the petitioner is very recent one. Investigation is at budding stage and seriously objects the grant of bail.

6. It is a case of drunken driving. A valuable life has been lost. The petitioner is in custody only for 4 days. Considering all those circumstances, this court is not inclined to grant bail to the petitioner at present.

7. Petition is dismissed.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021.**

**CrI.M.P.No. 14522/2021**

in

**K-1 Sembium P.S. Crime No. 998/2021**

Devaraj

.. Petitioner/Accused

Vs.

State Rep. by  
The Inspector of Police,  
K-1 Sembium Police Station,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. S. Senthil Kumar, R. Prabhakaran, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

**ORDER**

1. The petitioner, who was arrested on 26.7.2021 under P.T. Warrant for the offence punishable under Section 379 IPC in Crime No. 998/2021 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner and learned CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that the petitioner is innocent of the offence. He is aged 21 years. He has been falsely implicated in this case. Originally, this petitioner was arrested in Crime No. 716/2021 in P3 Vyasarpadi Police Station on 17.7.2021. In this case, he was formally arrested under PT Warrant on 26.7.2021 for the offence u/s.379 IPC. This petitioner is no way connected with the alleged offence. False case has been foisted on him only for statistical purpose. The petitioner is in custody from 26.7.2021 and prays for granting bail.

4. On the other hand, learned CPP submits that this petitioner committed theft of motor bike bearing registration No. TN 06 J 7509 Duke 200 of the defacto complainant when it was parked in front of his house. He further submits that this petitioner is having one more previous case of similar nature.

5. The petitioner is in custody for the past one month. He is aged 21 years. Considering the age of the petitioner and duration of custody, this court is inclined to grant bail to the petitioner subject to following condition.

6. 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 likesum to the satisfaction of the learned V Metropolitan Magistrate, Chennai and on further condition 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 appear before the respondent police daily at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioner 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 above petitioner in accordance with law as if the conditions have been imposed and the above 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

**Principal Sessions Judge**

Copy to :

1. The V Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.

vv

CrI.M.P.No. 14522/2021

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021.**

**Cr.L.M.P.No. 14523/2021**

in

**P-1 Pulianthope P.S. Crime No. 777/2021**

Deepak @ Appu

.. Petitioner/Accused

Vs.

State Rep. by  
The Inspector of Police,  
P-1 Pulianthope Police Station,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. S. Mohan Raj, V. Vinodha, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

**ORDER**

1. The petitioner, who was arrested on 13.7.2021 for the offences punishable under Section 147, 148, 341, 294(b), 323, 324, 392, 397 and 506(ii) IPC in Crime No. 777/2021 on the file of the respondent police, seeks bail.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He is no way connected with the alleged offence. False case has been foisted on him only for statistical purpose. Co-accused was granted bail by this court on 10.8.2021. The petitioner is in custody for more than one month and prays for granting bail.

4. On the other hand, learned CPP submits that this petitioner along with other accused waylaid the defacto complainant and demanded money from him. On his refusal, attacked him using hands and forcibly robbed Rs.1600/- from him at knife point. He further submits that this petitioner is a habitual offender and having 10 previous cases and objects the grant of bail.

5. The petitioner is in custody for more than one month. According to CPP the petitioner is having 10 previous cases. However, considering the duration of custody, this court is inclined to grant bail to the petitioners subject to condition.

6. 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 likesum to the satisfaction of the learned X Metropolitan Magistrate, Chennai and on further condition 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 appear before the respondent police daily at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioner 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 above petitioner in accordance with law as if the conditions have been imposed and the above 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

**Principal Sessions Judge**

Copy to :

1. The X Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.

vv

CrI.M.P.No. 14523/2021

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,**

**Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021**

**Crl.M.P.No. 14524/2021**

in

**F-4, Thousand Lights P.S. Crime No.270/2021**

1. Shiyavaz
2. Beharusa
3. Saabith
4. Rosdam Saiyedi
5. Yunaz Alibana
6. Benyamin

.. Petitioners/Accused

Vs.

State Rep. by  
The Inspector of Police,  
F-4, Thousand Lights Police Station,  
Chennai.

..Respondent/Complainant

This petition is coming on this day before me for hearing, upon hearing M/s.S.Aswin Karthikeyan, B.Vincent Praveen Kumar and M.Ramani, Counsel for the petitioner and of CPP for the respondent, this Court delivered the following

**ORDER**

1. The petitioners, who were arrested on 17.7.2021 for the offences punishable under Section 379 @ 392 of IPC and u/s 465, 468, 471, 420 IPC r/w 120(B) IPC r/w Sec.3, 12, 13 and 14 of the Passports Act 1967 @ 392 IPC and 465, 468, 471, 420 of IPC r/w 120(B) of IPC and sec 14 of the Foreigner Act 1946 in Crime No.270/2021 on the file of the respondent police, seek bail.

2. The counsel for the petitioners and the CPP were heard through Video Conference.

3. Learned counsel for the petitioners submits that the petitioners are citizens of Iran. They overstayed India. Their passport is in Delhi Embassy. Since because they are overstayed, they have been falsely implicated in this case. They are in custody for about a month and prays for granting bail.

4. On the other hand, the learned CPP submits that the case has been registered u/s 392 IPC and 465, 468, 471, 420 of IPC r/w 120(B) of IPC and sec 14 of the Foreigner Act 1946. They have robbed 3800 of American Dollars from the defacto complainant pretending

themselves as police officials. After arrest, it came to light that they are Iran Citizens and they are staying in India in violation of Visa condition etc. They have to be detained in the refugee camp. In case of release on bail, there are chances for absconding and seriously objects granting bail.

5. Considering the serious objection raised by the prosecution, this court is not inclined to grant bail.

6. Petition is dismissed.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021**

**Crl.M.P.Nos. 14525 & 14526/2021**

in

**K-3 Aminjikai P.S. Crime No. 735/2021**

Ramesh .. Petitioner/Accused  
in Crl.M.P.No.14525/2021

Karthik .. Petitioner/Accused  
in Crl.M.P.No.14526/2021

Vs.

State Rep. by  
The Inspector of Police,  
K-3 Aminjikai Police Station,  
Chennai.

..Respondent/Complainant.

The above petitions are coming on this day before me for hearing, upon hearing M/s. P. Vasanth, M. Himavanth, P. Bhavana, Counsel for the petitioner in Crl.M.P.No. 14525/2021 and of M/s. V. Saravanan, P. Veera Narayanan, Counsel for the petitioner in Crl.M.P.No.14526/2021 and of CPP for respondent, this Court delivered the following :

**COMMON ORDER**

1. The petitioners, who were arrested on 13.8.2021 for the offences punishable under Section 380 r/w 414 IPC in Crime No.735/2021 on the file of the respondent police, seeks bail.

2. The counsel for the petitioners and CPP were heard through Video Conference.

3. Learned counsel for the petitioners in both the petitions submits that the petitioners are innocent of the offence. They have been falsely implicated in this case and they have nothing to do with the alleged offence. The petitioner in Crl.M.P.No.14525/2021 has purchased the mobile phone from Burma Bazaar without knowing the fact that the same is theft mobile. The petitioner in Crl.M.P.No.14526/2021 is a receiver of the theft phone without knowing the same. The petitioners are in custody from 13.8.2021 and prays for granting bail.

4. The case of the prosecution is that these petitioners stolen committed theft of mobile phone of the defacto complainant.

5. According to CPP, the petitioners have no bad antecedents.

6. No previous case is reported as against the petitioners. They are in custody for nearly three weeks. Major portion of investigation might have been completed by this time. Considering the duration of custody, this court is inclined to grant bail to the petitioners subject to condition.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a likesum to the satisfaction of the learned V Metropolitan Magistrate, Chennai and on further condition 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 petitioners shall appear before the respondent police daily 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 above petitioners in accordance with law as if the conditions have been imposed and the above 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 petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

**Principal Sessions Judge**

Copy to :

1. The V Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.

vv

CrI.M.P.Nos. 14525 & 14526/2021

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021**

**Crl.M.P.No. 14533/2021**

**in**

**S.C.No. 125/2021**

**(On the file of XXIII Additional Sessions Judge, Chennai)**

**in**

**H-6, R.K. Nagar P.S. Crime No. 590/2013**

Anandan @ Mandai Anandan

.. Petitioner/Accused

Vs.

State Rep. by  
The Inspector of Police,  
H-6 R.K. Nagar Police Station,  
Chennai.

..Respondent/Complainant

This petition is coming on this day before me for hearing, upon hearing M/s. V. Karthick, S. Raj, A.G. Abdul Kareem, Counsel for the petitioner and of CPP for the respondent, this Court delivered the following

**ORDER**

1. The petitioner, who was arrested on 8.3.2021 on execution of NBW for the offences punishable under Section 395 r/w 397 IPC in S.C.No. 125/2021 on the file of the learned XXIII Additional Sessions Judge, Chennai, in Crime No.590/2013 on the file of respondent police, seeks bail.
2. The counsel for the petitioner and the CPP were heard through video conference.
3. Learned counsel for the petitioner submits that N.B.W. was issued against the petitioner due to his non-appearance before the Committal Court. Due to his ill-health, he could not appear before the court. His absence is neither wilful nor wanton. Hereinafter, the petitioner will regularly appear before the court and prays for granting bail.
4. Learned CPP submits that the petitioner jumped bail. NBW was issued against the petitioner in the year 2018 and it was executed on 8.3.2021. After much effort he was secured by the police and with great difficulty, the case has been committed to the Court

of Sessions. Even, after committal, the petitioner failed in appearing before the court. If he is released on bail, again, he will abscond. Hence, seriously objects the grant of bail.

5. The case is of the year 2013. Warrant is pending from 2018. Considering the old nature of case and period of absconding and conduct of the petitioner, this court is not inclined to grant bail to the petitioner.

6. Hence, this petition is dismissed.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021**

**Crl.M.P.No. 14534/2021**

**in**

**S.C.No. 107/2021**

**(On the file of XXIII Additional Sessions Judge, Chennai)**

**in**

**H-6, R.K. Nagar P.S. Crime No. 589/2013**

Anandan @ Mandai Anandan

.. Petitioner/Accused

Vs.

State Rep. by  
The Inspector of Police,  
H-6 R.K. Nagar Police Station,  
Chennai.

..Respondent/Complainant

This petition is coming on this day before me for hearing, upon hearing M/s. V. Karthick, S. Raj, A.G. Abdul Kareem, Counsel for the petitioner and of CPP for the respondent, this Court delivered the following

**ORDER**

1. The petitioner, who was arrested on 8.3.2021 on execution of NBW for the offences punishable under Section 341, 364, 395, 396, 506(ii) and 201 r/w 34 IPC in S.C.No. 107/2021 on the file of the learned XXIII Additional Sessions Judge, Chennai, in Crime No.589/2013 on the file of respondent police, seeks bail.

2. The counsel for the petitioner and the CPP were heard through video conference.

3. Learned counsel for the petitioner submits that N.B.W. was issued against the petitioner due to his non-appearance before the Committal Court. Due to his ill-health, he could not appear before the court. His absence is neither wilful nor wanton. Hereinafter, the petitioner will regularly appear before the court and prays for granting bail.

4. Learned CPP submits that the petitioner jumped bail. NBW was issued against the petitioner in the year 2018 and it was executed on 8.3.2021. After much effort he was secured by the police and with great difficulty, the case has been committed to the Court

of Sessions. Even, after committal, the petitioner failed in appearing before the court. If he is released on bail, again, he will abscond. Hence, seriously objects the grant of bail.

5. The case is of the year 2013. Warrant is pending from 2018. Considering the old nature of case and period of absconding and conduct of the petitioner, this court is not inclined to grant bail to the petitioner.

6. Hence, this petition is dismissed.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August 2021**

**CrI.M.P.Nos.14531 and 14536 of 2021**

in

**G.5, Secretariat Colony P.S. Cr.No.198/2021**

Sudha @ Sudhakar

.. Petitioner/Accused in  
CrI.M.P.No.14531/2021

Sivanesh

.. Petitioners/Accused in  
CrI.M.P.No.14536/2021

Vs.

State Rep. by  
The Inspector of Police,  
G.5, Secretariat Colony Police Station,  
Chennai.

..Respondent/Complainant in  
both the petitions.

For Petitioner : M/s. C. Jagan, R. Sarath Kumar,  
Advocate in CrI.M.P.No.14531/2021

For Petitioner : M/s. S. Prabudoss  
Advocate in CrI.M.P.No.14536/2021

For Respondent : Learned City Public Prosecutor in both the petitions.

Both the petitions are coming on this day before me for hearing, upon hearing the above said Counsel for the petitioners and of CPP for respondent, this Court delivered the following :

**COMMON ORDER**

1. The petitioner in CrI.M.P.No.14531/21, who was arrested on 3.8.2021 and the petitioner in CrI.M.P.No.14536/21, who was arrested on 4.8.2021 for the offence punishable under Section 147, 148, 341, 294(b), 324, 336, 307, 506(ii) IPC in Cr.No.198/2021 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioners and learned CPP were heard through Video Conference.

3. Learned counsel appearing for the petitioners submits that the petitioners are innocent. They have been falsely implicated in this case. They are noway connected with the alleged offence. Injured has been discharged from the hospital. The petitioners are in custody for more than three weeks and hence prays for granting bail.

4. On the other hand, learned CPP submits that that the petitioners are rowdy elements. Due to previous enmity, the petitioners and other assaulted the victim with deadly weapon. Victim sustained cut injuries on the shoulder, forearm and multiple fresh cut injury on the foot etc., and he was admitted in the hospital for 3 days as in-patient. However, he submits that the petitions have no previous cases

5. The petitioners are in custody for more than three weeks. Injured has been discharged and the petitioners have no bad antecedent as reported. Considering the above facts and duration of custody, this court is inclined to grant bail to the petitioners subject to condition.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a likesum to the satisfaction of the learned II Metropolitan Magistrate, Chennai and on further condition 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 petitioners shall appear before the respondent police daily 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 petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today.

**Principal Sessions Judge**

Copy to :

1. The learned II Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.

nmk

**Crl.M.P.Nos.14531 and 14536 of 2021**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,**

**Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August 2021**

**CrI.M.P.No.14532/2021**

in

**H.5, New Washermenpet P.S. Crime No.1855/2021**

Githendran

.. Petitioner/Accused

Vs.

State Rep. by  
The Inspector of Police,  
H.5, New Washermenpet Police Station,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. M. Kaveri Selvam, C. Uma Mageshwaran, A. Manikandan, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

**ORDER**

1. The petitioner, who was arrested on 12.8.2021 for the offence punishable under Section 341, 294(b), 392, 397, 506(ii) IPC in Crime No.1855/2021 on the file of the respondent police, seeks bail.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that this petitioner is innocent. He has been falsely implicated in this case. He is no way connected with the alleged offence. The petitioner is in custody from 12.8.2021 and prays for granting bail.

4. On the other hand, learned CPP submits that this petitioner waylaid the defacto complainant and demanded money, that on his refusal, at knife point, the accused robbed Rs.700/- from the defacto complainant. He further submits that the petitioner is a habitual offender having 9 previous cases. He seriously objects the granting bail stating that if the petitioner is released on bail, he will again indulge in similar offences.

5. Considering the nature of offence, conduct of the petitioner and bad antecedents this court is not inclined to grant bail to the petitioner at present.

6. Hence, the petition is dismissed.

Delivered by me today.

**Principal Sessions Judge**

**nmk**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,**

**Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August 2021**

**Crl.M.P.No.14537/2021**

in

C.C.No.2437/2017

(on the file of V Metropolitan Magistrate Court, Chennai)

in

K.2, Ayanavaram P.S. Crime No.1351/2015

Gopi @ Gopinath

..Petitioner/Accused.

Vs

State by:

The Inspector of Police(L&O),  
K.2, Ayanavaram Police Station,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. T.V. Somasundaram, U. Yuvaraj, A. Vinothkuma, P. Praveen Kumar, Counsel for the petitioner and of CPP for respondent, this court delivered the following:

**ORDER**

1. The petitioner, who was arrested on 8.7.2021 under P.T. Warrant for the offence punishable under Sections 147, 148, 324, 336, 506(ii) IPC @ 326, 336, 506(ii) IPC in C.C.No.2437/2017 in Crime No.1351/2015 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner and the CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that due to non appearance of the petitioner NBW was issued against him on 5.9.2017. On 26.6.2021, the petitioner was originally arrested in K.7, ICF P.S. Cr.No.120/2021 and in this case, he was remanded on 8.7.2021 under P.T. Warrant. The petitioner is not aware of pendency of NBW against him and also due to Covid-19 pandemic situation, he was unable to recall the warrant in the earlier occasion. Hereinafter, the petitioner undertakes to attend the court regularly and prays for granting bail.

4. On the other hand, learned CPP submits that NBW was issued against the petitioner on 5.9.2017. Nearly after 4 years, he was secured by the respondent police with

great difficulty. The case is pending from 2017 without any progress. If he is released on bail, again he will abscond and the case proceedings would be stalled. He seriously objects the grant of bail.

5. The occurrence is of the year 2015. The case is of the year 2017. Warrant is pending from 5.9.2017 nearly 4 years. No valid reason has been stated for the absence of petitioner. Due to the absence of the petitioner, the trial could not be commenced. Considering the above facts and circumstances, this court is not inclined to grant bail to the petitioner at present.

6. Hence, this petition is dismissed.

Delivered by me today.

**Principal Sessions Judge**

nmk

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,**

**Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August 2021**

**Crl.M.P.No.14469/2021**

**in**

**W.8, AWPS, Thirumangalam, Cr.No.not known of 2021**

M. Shanmuganantham

.. Petitioner/Accused.

Vs.

State Rep. by  
The Inspector of Police,  
W.8, All Women Police Station,  
Thirumangalam,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. A. MD. Khaleel-Ul-Huq, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

**ORDER**

1. The petitioner, who apprehends arrest at the hands of the respondent police, for the alleged offence u/s.406, 498(A) of IPC in Crime No.not known of 2021 on the file of the respondent police, respectively seeks anticipatory bail.
2. Learned counsel for the petitioner and the learned CPP were heard through Video Conference.
3. When the matter is about to be referred to Mediation, learned counsel for the petitioner had chosen to withdraw the petition. Hence, the petition is dismissed as withdrawn.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,**

**Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August 2021**

**CrI.M.P.No.14471/2021**

**in**

**W.25, AWPS, Cr.No.not known of 2021**

Arockia Antony Manchith

.. Petitioner/Accused.

Vs.

State Rep. by  
The Inspector of Police,  
W.25, All Women Police Station,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. S. Nagarajan, S. Meenakshi Sundara Pandian, B. Thirumalai, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

**ORDER**

1. The petitioner, who apprehends arrest at the hands of the respondent police, for the alleged offence u/s.498-A, 294(b), 406 and 506(ii) of IPC in Crime No.not known of 2021 on the file of the respondent police, respectively seeks anticipatory bail.
2. Learned counsel for the petitioner and the learned CPP were heard through Video Conference.
3. It is represented by learned CPP that the petition enquiry was conducted and closed and no case is pending as against the petitioner before the respondent police. Recording the same, this petition is dismissed as unnecessary.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge  
Thursday, the 26<sup>th</sup> day of August 2021**

**Crl.M.P.No.14472/2021**

**in**

**G.7, Chetpet P.S, Cr.No.not known of 2021**

P. Evanajalin

.. Petitioner/Accused.

Vs.

State Rep. by  
The Inspector of Police,  
G.7, Chetpet Police Station(L&O),  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. C. Subramanian, S. Manikandan, K. Harishankar, S. Elumalai, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

**ORDER**

1. The petitioner, who apprehends arrest at the hands of the respondent police, for the alleged offence u/s. 294(b), 323, 506(ii) of IPC in Crime No.not known of 2021 on the file of the respondent police, respectively seeks anticipatory bail.
2. Learned counsel for the petitioner and the learned CPP were heard through Video Conference.
3. It is represented by learned CPP that the petition enquiry was conducted and closed and no case is pending as against the petitioner before the respondent police. Recording the same, this petition is dismissed as unnecessary.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge  
Thursday, the 26<sup>th</sup> day of August 2021**

**Crl.M.P.No.14474/2021**

**in**

**Crl.M.P.No.11707/2021**

**in**

**K.1, Sembium P.S. Cr.No.961/2021**

Prabhu

... Petitioner/Accused.

vs.

State by

The Inspector of Police,  
K.1, Sembium Police Station,  
Chennai.

... Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. G. Sivakumar, S.K. Masthan, B.M. Santharam, Counsel for the petitioner and the CPP for the respondent, this Court delivered the following,

**ORDER**

1. Petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.11707/2021, dt: 26.7.2021.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. The petitioner was granted bail by this court in Crl.M.P.No.11707/2021 on 26.7.2021 with some conditions. One such condition is that the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

4. According to learned CPP, the petitioner has complied the condition from 31.7.2021 to 24.8.2021. Considering the period of compliance, this court is inclined to relax the condition.

5. Petition is allowed. Condition is relaxed in toto.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,**  
**Principal Sessions Judge**  
**Thursday, the 26<sup>th</sup> day of August 2021**

**Crl.M.P.No.14475/2021**

**in**

**Crl.M.P.No.746/2021**

**in**

**S.C.No.172/2015**

(on the file of IV Additional Sessions Court, Chennai)

**in**

**D.3, Ice House P.S. Cr.No.1058/2014**

Shahur @ Mohamed Jahur

... Petitioner/Accused.

vs.

State by  
The Inspector of Police,  
D.3, Ice House Police Station,  
Chennai.

... Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. S. Elavarasan, N. Vinothini, S. Sharmila, Counsel for the petitioner and the CPP for the respondent, this Court delivered the following,

**ORDER**

1. Petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.746/2021, dt: 21.1.2021.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. The petitioner was granted bail by this court in Crl.M.P.No.746/2021 on 21.1.2021 with some conditions. One such condition is that the petitioner shall appear before the Sessions Court concerned daily at 10.30 a.m. until further orders.

4. According to learned CPP, the petitioner has complied the condition only for 7 days and thereafter failed to comply the condition as directed by this Court. Hence, this court is not inclined to relax the petition. Hence, the petition is dismissed.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge  
Thursday, the 26<sup>th</sup> day of August 2021**

**Crl.M.P.No.14476/2021**

**in**

**Crl.M.P.No.11447/2021**

**in**

**P.3, Vyasarpadi P.S. Cr.No.672/2021**

Manonmani

... Petitioner/Accused.

vs.

State by  
The Inspector of Police,  
P.3, Vyasarpadi Police Station,  
Chennai.

... Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. M. Anandan, Counsel for the petitioner and the CPP for the respondent, this Court delivered the following,

**ORDER**

1. Petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.11447/2021, dt: 13.7.2021.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. The petitioner was granted anticipatory bail by this court in Crl.M.P.No.11447/2021 on 13.7.2021 with some conditions. One such condition is that the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

4. According to learned CPP, the petitioner has complied the condition from 28.7.2021 to 24.8.2021. Considering the period of compliance, this court is inclined to relax the condition.

5. Petition is allowed. Condition is relaxed in toto.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,**

**Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August 2021**

**Crl.M.P.No.14482/2021**

**in**

**Crl.M.P.No.11999/2021**

**in**

**V.1, Villivakkam P.S. Cr.No.655/2021**

P. Rocky

... Petitioner/Accused.

vs.

State by

The Sub-Inspector of Police,

V.1, Villivakkam Police Station,

Chennai.

... Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. M. Naresh, K. Dakshinamoorthy, V. Jagadeesan, Counsel for the petitioner and the CPP for the respondent, this Court delivered the following,

**ORDER**

1. Petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.11999/2021, dt: 28.7.2021.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. The petitioner was granted anticipatory bail by this court in Crl.M.P.No.11999/2021 on 28.7.2021 with some conditions. One such condition is that the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

4. According to learned CPP, the petitioner has complied the condition for the past 24 days till 24.8.2021. Considering the period of compliance, this court is inclined to relax the condition.

5. Petition is allowed. Condition is relaxed in toto.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,**

**Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August 2021**

**Crl.M.P.No.14483/2021**

**in**

**Crl.M.P.No.11998/2021**

**in**

**V.1, Villivakkam P.S. Cr.No.655/2021**

R. Iyyappan

... Petitioner/Accused.

vs.

State by

The Sub-Inspector of Police,

V.1, Villivakkam Police Station,

Chennai.

... Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. M. Naresh, K. Dakshinamoorthy, V. Jagadeesan, Counsel for the petitioner and the CPP for the respondent, this Court delivered the following,

**ORDER**

1. Petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.11998/2021, dt: 28.7.2021.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. The petitioner was granted anticipatory bail by this court in Crl.M.P.No.11998/2021 on 28.7.2021 with some conditions. One such condition is that the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

4. According to learned CPP, the petitioner has complied the condition for the past 24 days till 24.8.2021. Considering the period of compliance, this court is inclined to relax the condition.

5. Petition is allowed. Condition is relaxed in toto.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,**  
**Principal Sessions Judge**  
**Thursday, the 26<sup>th</sup> day of August 2021**

**CrI.M.P.No.14484/2021**

**in**

**CrI.M.P.No.12480/2021**

**in**

**K.11, CMBT P.S. Cr.No.405/2021**

Stanly

... Petitioner/Accused.

vs.

State by

The Inspector of Police,  
K.11, CMBT Police Station,  
Chennai.

... Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. S. Nagaraj, Counsel for the petitioner and the CPP for the respondent, this Court delivered the following,

**ORDER**

1. Petitioner seeks relaxation of the condition imposed by this court in CrI.M.P.No.12480/2021, dt: 2.8.2021.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. The petitioner was granted bail by this court in CrI.M.P.No.12480/2021 on 2.8.2021 for the offence u/s. 364-A r/w. 34 of IPC with some conditions. One such condition is that the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

4. According to learned CPP, the petitioner has complied the condition till 24.8.2021. However, considering the nature of offence, this court is inclined to modify the condition as follows:

“The petitioner is directed to appear before the respondent police once in a week (i.e.) on every Monday at 10.30 a.m. until further orders. Accordingly petition is ordered. .

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge  
Thursday, the 26<sup>th</sup> day of August 2021**

**CrI.M.P.No.14486/2021**

**in**

**CrI.M.P.No.12670/2021**

**in**

**K.11, CMBT P.S. Cr.No.405/2021**

Vinothkumar

... Petitioner/Accused.

vs.

State by  
The Inspector of Police,  
K.11, CMBT Police Station,  
Chennai.

... Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. S. Nagaraj, Counsel for the petitioner and the CPP for the respondent, this Court delivered the following,

**ORDER**

1. Petitioner seeks relaxation of the condition imposed by this court in CrI.M.P.No.12670/2021, dt:4.8.2021.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. The petitioner was granted bail by this court in CrI.M.P.No.12670/2021 on 4.8.2021 for the offence u/s. 364-A r/w. 34 of IPC with some conditions. One such condition is that the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

4. According to learned CPP, the petitioner has complied the condition till 24.8.2021. However, considering the nature of offence, this court is inclined to modify the condition as follows:

“The petitioner is directed to appear before the respondent police once in a week (i.e.) on every Monday at 10.30 a.m. until further orders. Accordingly petition is ordered. .

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,**

**Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August 2021**

**Crl.M.P.No.14485/2021**

**in**

**Crl.M.P.No.12071/2021**

**in**

**K.10, Koyambedu P.S. Cr.No.544/2021**

Gopi

... Petitioner/Accused.

vs.

State by

The Sub-Inspector of Police,

K.10, Koyambedu Police Station,

Chennai.

... Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. E. Senthilnathan, S. Sundaramoorthy, P.R.S. Thamizhmaran, K. Anbarasan, Counsel for the petitioner and the CPP for the respondent, this Court delivered the following,

**ORDER**

1. Petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.12071/2021, dt: 27.7.2021.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. The petitioner was granted bail by this court in Crl.M.P.No.12071/2021 on 27.7.2021 with some conditions. One such condition is that the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

4. According to learned CPP, the petitioner has complied the condition from 30.7.2021 to 24.8.2021. Considering the period of compliance, this court is inclined to relax the condition.

5. Petition is allowed. Condition is relaxed in toto.

Delivered by me today.

**Principal Sessions Judge**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,**  
**Principal Sessions Judge**  
**Thursday, the 26<sup>th</sup> day of August 2021**

**Crl.M.P.No.14454/2021**

in

**Crl.M.P.No.12477/2021**

in

**P.3, Vyasarpadi PS. Cr.No.666/2021**

Rajiv @ Rajubai

... Petitioner/Accused.

vs.

State rep. by:

Inspector of Police,  
P.3, Vyasarpadi Police Station,  
Chennai.

... Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. S. Raj, Pradeepa, Counsel for the petitioner and of CPP for the respondent, this Court delivered the following

**ORDER**

1. Petitioner seeks amendment of his name in the bail order of this court dated 3.8.2021 in Crl.M.P.No.12477/2021.

2. Learned counsel for the petitioner and the CPP were heard through Video Conference.

3. The petitioner was granted bail by this court in Crl.M.P.No.12477/2021 on 3.8.2021 for the offence u/s.294(b), 341, 397, 506(ii) of IPC with condition to execute a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of learned X Metropolitan Magistrate, Chennai and to appear before the respondent police daily at 10.30 a.m. until further orders.

4. Learned counsel for the petitioner submits that in the earlier petition, petitioner's name has been wrongly mentioned as 'Raj' instead of 'Rajiv @ Rajubai'. But in the Remand Report, petitioner's name has been mentioned as 'Rajiv @ Rajubai'. Due to which, he was unable to be released on bail. Hence, prays for amendment. Learned CPP has not raised any serious objection. Considering the above facts, this court is inclined to permit amendment as prayed for.

5. (i) Petition is allowed.

(ii) The office is directed to amend the petitioner's name as 'Rajiv @ Rajubai' in the earlier order in CrI.M.P.No.12477/2021 and the earlier order passed by this Court stands good in all other respects.

Delivered by me today.

**Principal Sessions Judge**

Copies to:

1. Learned X Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.

**nmk**

**CrI.M.P.No.14454/2021**

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,**

**Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August 2021**

**Crl.M.P.No.14529/2021**

in

**G.7, Chetpet P.S. Crime No.211/2021**

T. Sainath

.. Petitioner/Accused

Vs.

State Rep. by  
The Inspector of Police,  
G.7, Chetpet Police Station,  
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing, upon hearing M/s. S. Vedavalli, Counsel for the petitioner and of CPP for respondent, this Court delivered the following :

**ORDER**

1. The petitioner, who was arrested on 16.6.2021 for the offence punishable under Section 147, 148, 302 IPC in Crime No.211/2021 on the file of the respondent police, seeks bail.

2. The counsel for the petitioner and CPP were heard through Video Conference.

3. Learned counsel for the petitioner submits that the petitioner is in custody for about 70 days and prays for bail.

4. On the other hand, learned CPP submits that it is a case of revenge murder. Due to previous enmity, deceased was done to death by assaulting with deadly weapons by 8 persons and seriously objects granting bail. He also produced the Case Diary for perusal.

5. On perusal of the Case Diary, it appears there was previous enmity between the accused and the deceased/Karuppu @ Vadivazhagan. The petitioner and others waylaid him at about 9.45 p.m. and assaulted him with knife and stone and done him to death. It is a brutal murder. Prima facie, the petitioner appears to be a rowdy element having some bad antecedent. Hence, this court is not inclined to grant bail to him at present.

6. Petition is dismissed.

Delivered by me today.

**Principal Sessions Judge**

**nmk**

IN THE COURT OF SESSIONS AT CHENNAI

Present: **Thiru.R.Selvakumar, B.A., M.L.,**

**Principal Sessions Judge**

**Thursday, the 26<sup>th</sup> day of August, 2021.**

**Crl.M.P.No.14588/2021**

**in**

**C.A.No.138/2021**

**in**

**C.C.No.5311/2017**

(on the file of the Metropolitan Magistrate, FTC-II, Egmore, Allikulam Complex, Chennai)

C. Chandrapriya

...Petitioner/Appellant/Accused

**Vs.**

Davit Rajan

.... Respondent/Respondent/Complainant

This petition is coming on this day before me for hearing, in the presence of M/s.V.Balasubramani and V.Vadivelan, Counsel for the petitioner, upon hearing the petitioner's side, this Court delivered the following,

**ORDER**

1. The petitioner seeks suspension of sentence pending disposal of the appeal.

2. The Petitioner / Appellant herein is the accused in C.C.No.5311/2017 on the file of the learned Metropolitan Magistrate, FTC-II, Chennai. On 8.4.2021, judgment was pronounced in the above case and the petitioner was found guilty u/s.138, 141 and 142 of N.I. Act and sentenced to undergo one year simple imprisonment and to pay the cheque amount of Rs.6,00,000/- as compensation to the complainant within one month, in default, to undergo three months S.I.

4. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.

5. This court has also perused the memorandum of appeal and the submission made by the petitioner's counsel. The trial court suspended the sentence till 7.5.2021.

6. As per Sec.148 of N.I. Act (Amendment Act), 2018, the Appellate Court may order the Appellant to deposit such sum which shall be a minimum of Twenty percent of the fine or Compensation awarded by the Trial Court. In the above provision, it is clearly stated that the amount shall be deposited within 60 days from the date of the Order. As already

stated supra, the petitioner / appellant / accused was ordered to undergo simple imprisonment for a period of one year and in these circumstances, it may not be right to hold that the petitioner has to serve the sentence during the pendency of the appeal.

7. Considering the above facts and the value of the cheque amount, this Court is inclined to suspend the sentence on condition to deposit 20% of the cheque amount.

8. Accordingly, the sentence of imprisonment imposed on the petitioner by the lower Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on her executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, FTC-II, Egmore at Allikulam Complex, Chennai. Further the petitioner shall deposit 20% of the cheque amount to the credit of C.C. number on the file of the Trial Court within sixty days from the date of this Order.

9. The appeal has been made over to XX Additional Sessions Court, Chennai.

10. The appeal stands posted to 27.9.2021.

Delivered by me today.

**Principal Sessions Judge.**

**Copy to**

The Metropolitan Magistrate, FTC-II, Egmore at Allikulam Complex, Chennai.

IN THE COURT OF SESSIONS AT CHENNAI  
Present: **Thiru.R.Selvakumar, B.A., M.L.,**  
**Principal Sessions Judge**  
**Thursday, the 26<sup>th</sup> day of August, 2021.**

**Crl.M.P.No.14589/2021**

**in**

**C.A.No.139/2021**

**in**

**C.C.No.5309/2017**

(on the file of the Metropolitan Magistrate, FTC-II, Egmore, Allikulam Complex, Chennai)

C.Chandrapriya

...Petitioner/Appellant/Accused

**Vs.**

Davit Rajan

.... Respondent/Respondent/Complainant

This petition is coming on this day before me for hearing, in the presence of M/s.V.Balasubramani and V.Vadivelan, Counsel for the petitioner, upon hearing the petitioner's side, this Court delivered the following,

**ORDER**

1. The petitioner seeks suspension of sentence pending disposal of the appeal.

2. The Petitioner / Appellant herein is the accused in C.C.No.5309/2017 on the file of the learned Metropolitan Magistrate, FTC-II, Chennai. On 8.4.2021, judgment was pronounced in the above case and the petitioner was found guilty u/s.138, 141 and 142 of N.I. Act and sentenced to undergo one year simple imprisonment and to pay the cheque amount of Rs.9,00,000/- as compensation to the complainant within one month, in default, to undergo three months S.I.

4. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.

5. This court has also perused the memorandum of appeal and the submission made by the petitioner's counsel. The trial court suspended the sentence till 7.5.2021.

6. As per Sec.148 of N.I. Act (Amendment Act), 2018, the Appellate Court may order the Appellant to deposit such sum which shall be a minimum of Twenty percent of the fine or Compensation awarded by the Trial Court. In the above provision, it is clearly stated that the amount shall be deposited within 60 days from the date of the Order. As already

stated supra, the petitioner / appellant / accused was ordered to undergo simple imprisonment for a period of one year and in these circumstances, it may not be right to hold that the petitioner has to serve the sentence during the pendency of the appeal.

7. Considering the above facts and the value of the cheque amount, this Court is inclined to suspend the sentence on condition to deposit 20% of the cheque amount.

8. Accordingly, the sentence of imprisonment imposed on the petitioner by the lower Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on her executing a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, FTC-II, Egmore at Allikulam Complex, Chennai. Further the petitioner shall deposit 20% of the cheque amount to the credit of C.C. number on the file of the Trial Court within sixty days from the date of this Order.

9. The appeal has been made over to XX Additional Sessions Court, Chennai.

10. The appeal stands posted to 27.9.2021.

Delivered by me today.

**Principal Sessions Judge.**

**Copy to**

The Metropolitan Magistrate, FTC-II, Egmore at Allikulam Complex, Chennai.

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Thiru R. Selvakumar, B.A., M.L.,  
Principal Sessions Judge  
Thursday, the 26<sup>th</sup> day of August, 2021.**

**CrI.M.P.No.13360/2021**

in

**R.R.No.Not known/2021**

**CBIC-DIN-202102DSS2000000B08A**

**CBIC-DIN-202102DSS200004141C**

**CBIC-DIN-202107DSS20000723314**

**CBIC-DIN-202107DSS2000000CC0F**

1. Vanchinathan Thangavel

2. Sudharsan Palanikumar

3. Karthik Kathiresan

All Directors of

M/s.FLDEC Systems Pvt. Ltd.,

M/s.AFABLEZ Semiconductor Pvt. Ltd.,

Level-2 & 3, Olympia Teknos Park,

Plot No.28, Sidco Industrial Estate, Guindy,

Chennai-600032.

4. A.Athmaram

.. Petitioners/Accused

Vs.

1. Deputy Director,

Office of the Director General of GST Intelligence (DGGI),

Chennai Zonal Unit,

No.16, Greams Road,

BSNL Building, Tower-2, 8<sup>th</sup> Floor,

Chennai-600006.

2. Senior Intelligence Officer,

Office of the Director General of GST Intelligence (DGGI),

Chennai Zonal Unit,

No.16, Greams Road,

BSNL Building, Tower-2, 8<sup>th</sup> Floor,

Chennai-600006.

..Respondents/Complainant.

This petition is coming on 24.8.2021 before me for hearing, upon hearing the Senior Counsel Mr.N.R.Ilango for the counsel for the petitioner M/s.S.Sai Shankar and A.Murali and of Mr.N.P.Kumar, Special Public Prosecutor for respondent, this Court delivered the following :

## ORDER

1. The petitioners, who apprehend arrest by the respondent for the alleged offences punishable u/s 132 of Central Goods and Services Tax Act, 2017 in R.R.No.Not known/2021 on the file of the respondent, seek anticipatory bail.

2. The learned Senior Counsel for the petitioners and CPP were heard through Video Conference.

3. Learned Senior Counsel appearing for the petitioners submits that the petitioners 1 to 3 are the Directors of M/s.FLDEC Systems Pvt. Ltd. and the 4<sup>th</sup> petitioner is Chief Financial Officer in the said company. The G.S.T. officials conducted a raid in the premises of the said company. They have found some defects as if some of the suppliers to the said company are bogus entities floated by the company itself by using the KYC details on their own employees and relatives, but, in fact, there was no such company in existence and claimed that nearly Rs.15 crores has been availed as input tax credit erroneously and coerce the petitioners to make a payment of Rs.7 crores immediately and further a sum of Rs.1,80,50,000/- has been paid by the petitioner without prejudice to their contention. As per the petitioner's version, there was no such bogus entities floated by the petitioners. They are the vendors of M/s.FLDEC Systems Pvt. Ltd. In fact, some of the transactions are related to research and development, for which, no GST is applicable and the petitioners are having permanent residence, running a reputed company and suppliers to Defence Department of Government of India. In spite of making such payment and ready for any enquiry by the officials, they are insisting upon the personal appearance of the petitioners. The petitioners apprehend arrest at the hands of the respondent and they are ready to obey any condition. In fact, the offence u/s 132 of GST Act can be registered only after preliminary assessment of the tax evasion. Even before making any assessment, prosecuting the petitioners u/s 132 of GST Act is erroneous. He further invites this court's attention to the decision in Jayachandran Alloys (P) Ltd., Rep. by its Managing Director – vs – Superintendent of GST and Central Excise and others, reported in 2019 SCC OnLine Mad 31224 to his support and prays for granting anticipatory bail.

4. On the other hand, the Department filed a detailed counter stating that M/s.FLDEC Systems Pvt. Ltd., represented by the Directors / petitioner Nos.1 to 3 and as

Chief Financial Officer / Petitioner No.4, involved in claiming bogus input tax credit to the tune of Rs.27.51 crores. Even after making of Rs.8 crores and odd, still the amount erroneously availed by the company is more than Rs.15 crores. The offence u/s 132 GST Act 2017 is cognizable as well as non-bailable. Since the amount involved is more than Rs.5 crores, it is punishable upto five years. There are ample evidence to show the mischief played by the petitioners herein. He also produced some set of documents to show the companies with fictitious address. He had listed out 16 companies of which Sl.No.1 to 3 are M/s.FLDEC Systems Pvt. Ltd. The remaining are in different names with different addresses and those places were also inspected by the GST officials. They found there was no such firm in existence or no such firm operated in the said addresses .Further, the accounts related to all those firms were maintained by the 4<sup>th</sup> petitioner in the FLDEC Systems Pvt. Ltd. office premises. It would go to show that all the companies found out during the inspection are operated in the same address. Those offices were floated only for the purpose of availing input tax credit without there being any supply of services or materials and seriously objects granting anticipatory bail.

5. No doubt, as per the decision cited by the learned Senior Counsel for the petitioners, in para-51, the Hon'ble High Court is of the view that imposition of a condition even prior to determination of the violations by an assessee and quantification of the consequent demands are unacceptable. Mere statement cannot substitute the assessment. Only after making assessment, the Department can proceed u/s 132 of the Act. On that footing, the writ filed by the petitioner therein was allowed with direction to provide all documents and records seized from the petitioner's premises during the inspection mentioned therein and directed the authorities to give opportunity to the Managing Director and pass assessment order in accordance with law.

6. No doubt, there was an observation by the Hon'ble High Court as if proceeding against the person before assessment of tax liability is not proper. As far as this case is concerned, the alleged tax evasion is nearly Rs.27 crores. After first inspection of the premises of the company, the Investigating Officers gone to the extent of verifying the other companies alleged to have supplied services or goods to M/s.FLDEC Systems Pvt. Ltd. to avail input tax credit and they came to the conclusion that there was no such companies in existence. In fact, some of the premises are residential houses with no infrastructure to

supply goods or services. Only after verification of all those particulars, now the prosecution is proceeding against the petitioners. The prosecution not chosen to arrest the petitioners inspite of their presence at the time of first instance. Ample opportunity has been given to them to explain the things. So, we cannot say that the prosecution acted in a hurried manner without properly assessing the tax evasion. Sec.132 of GST Act classified the offences in several categories. If the GST evasion is more than Rs.5 crores, the offence is non-bailable. Here, the evasion is not in borderline of Rs.5 crores. It is well beyond Rs.5 crores. Initially, the assessment of tax evasion is Rs.27.5 crores. All are borne out by records. Prima facie, the offence appears to be grave in nature. The learned counsel for the petitioner by way of additional typed-set produced several account statements of the companies alleged to have been floated by M/s.FLDEC Systems Pvt. Ltd. in the name of some other employees and relatives. On bare perusal of the records, we cannot come to the conclusion as if there was companies in existence. No doubt, periodical annual statements Tax returns and pancards are available. But, on physical verification, there was no such entities according to the prosecution. If suppose the provisional assessment is in the border line of Rs.5 crores, we can interpret the same in favour of the petitioner as if the final assessment may below Rs.5 crores. But, in this case, as already stated, the initial assessment itself is Rs.27.5 crores. Under such circumstances, this court is not inclined to agree with the argument of the learned Senior Counsel for the petitioners. The maintenance of accounts of all such firms at the office of M/s.FLDEC Systems Pvt. Ltd. would go to show the possibility of floating companies in order to evade tax liability and to claim input tax credit. Considering all those circumstances, this court is not inclined to grant anticipatory bail.

7. Petition is dismissed.

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