

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Twelfth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL ORIGINAL PETITION No.29717 of 2017

AND CRL.MP.NO.1901/2018

SIMON PONNIAH,

[ PETITIONER / ACCUSED ]

Vs

THE STATE OF TAMIL NADU

[ RESPONDENT ]

REP BY THE INSPECTOR OF POLICE,

CCB, CHENNAI.

CR.NO.334 OF 2017.

S.SUTHARSAN THOMAS

[PETITIONER/INTERVENER/DEFACTO COMPLAINANT]

**ORDERED AS PER THE ORDER OF THIS COURT DATED 12/02/2018 MADE IN  
CRL.MP.NO.1901/2018 IN CRL.OP.NO.29717/2017.**

For Petitioner : M/S.R.SUGANIYA Advocate

For Respondent : PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

This is an anticipatory bail application. The petitioner on apprehending arrest at the hands of the respondent police has moved this petition seeking for anticipatory bail.

2.The alleged offence punishable for which FIR filed against the petitioner were under Sections 408, 465, 467, 468, 471, 422, 477(A), 380 and 109 of IPC.

3.It is the case of the prosecution that, totally four accused in this case. A1, who according to the prosecution misappropriated a sum of Rs.3.16 crores of the defacto complainant's organization.

4.It is the further case of the prosecution that the present petitioner, who is A2, was the Chief Executive Officer of the defacto complainant organization between 2013-2016. Further, when he was the CEO he also involved in the entire day today affairs of the Missionary and he has not taken any steps to prevent the misappropriation done by A1. It is also the prosecution case that only with the connivance of A2, the A1 has done the misappropriation of the defacto complainant's money.

5. In this regard, learned Government Advocate submits that prosecution is investigating the matter and A1 has already been arrested on 07.11.2017 and he has been released on bail on 20.12.2017.

6. Learned Government Advocate would further submit that, since the investigation is yet to be completed and this petitioner was the Chief Executive Officer, the documents pertaining to the alleged crime have to be traced out and the prosecution also strongly believe that some of such documents may be in the hands of the petitioner.

7. I have heard the learned counsel for the petitioner and also Mr.R.Amizhdhu, learned counsel for the defacto complainant as intervener.

8. Considering the circumstances and investigation of the case, since the A1, who is the main accused, has already been arrested and granted bail and the investigation has been considerably progressing and in order to ensure further progress of the investigation and to complete the same, in the interest of justice, the following order is passed:

(i) That the petitioner in the event of arrest shall be enlarged on bail on condition that he shall execute a bond for a sum of Rs.5,00,000/-(Rupees Five Lakhs only) with two sureties each for a likesum to the satisfaction of the learned Chief Metropolitan Magistrate, Allikulam, Chennai within a period of two weeks from the date of receipt of a copy of this order.

(ii) Further the petitioner shall surrender his passport if any is having before the Investigating Officer/respondent police.

(iii) Also the petitioner shall appear before the Investigating Officer daily at 10.30 a.m and at 5.00p.m. until further orders and also the petitioner shall not move from the city limits of Chennai without the leave of this court till the investigation is completed.

-sd/-  
12/02/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE CHIEF METROPOLITAN  
MAGISTRATE, ALLIKULAM, CHENNAI

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE STATE OF TAMIL NADU  
REP BY THE INSPECTOR OF POLICE,  
CCB, CHENNAI.

+2 CC to M/S.R.SUGANIYA Advocate on payment of necessary  
charges SR.NO. 10529

CRL OP.29717/2017

AND CRL.MP.NO.1901/2018

Date :12/02/2018

RD 16/02/2018