

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.13119 of 2018

S.ASOKAN,

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMIL NADU, [RESPONDENT]
REP BY ITS THE INSPECTOR OF POLICE,
KAYAR POLICE STATION,
KANCHEEPURAM DISTRICT
CR.NO.16 OF 2018.

For Petitioner : M/S.J.PRADEEP Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDL.PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.16 of 2018 registered by the respondent police for the offence punishable under Sections 406 and 420 of IPC.

2. The case of the prosecution as per the de-facto complainant one Jayasankar is that the petitioner along with other accused, who were working in the defacto complainant's Blue Metal Crusher company, by fabrication of documents, sold Blue Metal stones without the permission of the defacto complainant and have misappropriated an amount of Rs.28,00,000/- and the defacto complainant had caught the other arrested accused red handed and produced them before the respondent police and requested the respondent to take action.

3. The learned counsel for the petitioner would submit that one Dinakaran and Perumal, who are employees in the company were arrested for misappropriation and that based on the confession given by them, the petitioner was also implicated in this case. He would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would also submit that the arrested accused have been enlarged on bail. He would submit that the petitioner hails from a respectable family and to prove his *bona fides*, the petitioner is prepared to furnish the original title deeds of ancestral property belonging to his father, which he had got by way of partition deed dated 03.02.2004 registered as document No.46/2004. He would submit that the extent of the land is 2 acres

and the value of the property is more than Rs.30.00 lakhs. He would also submit that the father of the petitioner is prepared to stand surety and also produce the documents related to the property before the learned Magistrate concerned at the time of surrender and execution of sureties.

4. The learned Additional Public Prosecutor would submit that the petitioner along with the other accused, by not giving bills, misappropriated an amount of Rs.28,00,000/-.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also the undertaking given by the petitioner to deposit the original title deeds of documents mentioned above, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Chengalpet, Kanchipuram District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties (one shall be the father of the petitioner) each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] One of the surety will be the father of the petitioner and he shall deposit the Original Partition Deed Registered as Document No.46/2004 dated 03.02.2004 before the learned Magistrate at the time of furnishing sureties.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
29/06/2018

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 JUDICIAL MAGISTRATE,
NO.I, CHENGALPET

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU[FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KAYAR POLICE STATION,
KANCHEEPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.J.PRADEEP Advocate on payment of necessary charges
SR.NO. 12063

CRL OP.13119/2018

Date :29/06/2018

RD 05/07/2018