

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirty First day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.619 of 2020

R.PARTHASARATHY

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
F-2, EGMORE POLICE STATION,
CHENNAI.
CR.NO.837 OF 2019.

[RESPONDENT]

For Petitioner : M/S.R.SUDHAKAR Advocate

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 420 of I.P.C. in Cr.No.837 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is arrayed as A4 in the case and he is the brother of A1. It is alleged that A1 to A3 are the employees of the defacto complainant and A1 to A3 joined together and by falsification of records, mis-appropriated a sum of Rs.48 Lakhs. Out of the said Rs.48 Lakhs, a sum of Rs.28 Lakhs was transferred to the account of the petitioner by A1.

3.The learned counsel appearing for the petitioner would submit that already A1 in this case has been enlarged on bail by this Court in CrI.O.P.No.35040 of 2019 on 30.12.2019. He would further submit that the alleged period of corruption was during 07.09.1994 to 30.06.2013, however, the complaint was lodged only during the year 2019.

4.The learned Additional Public Prosecutor would submit that a sum of Rs.28 Lakhs was transferred to the account of the petitioner by A1 and would further submit that investigation is pending.

5.Considering the fact that the co-accused has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

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 XIV Metropolitan Magistrate, Egmore, Chennai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. 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 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

31/01/2020

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 METROPOLITAN MAGISTRATE,
NO.XIV, EGMORE, CHENNAI.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

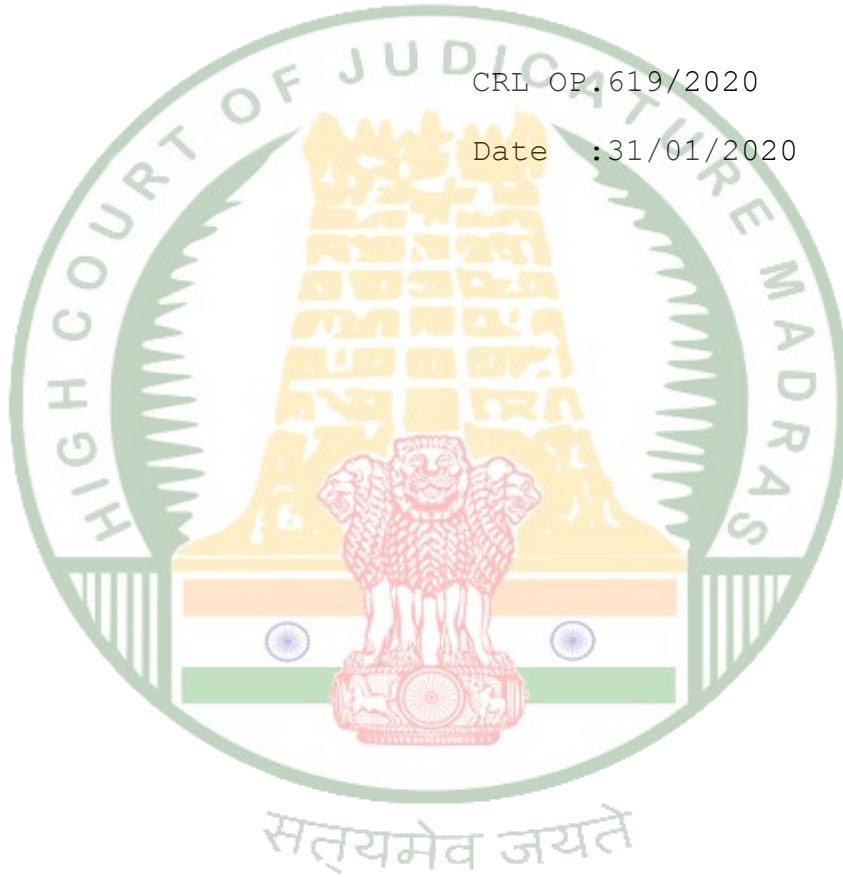
4 THE INSPECTOR OF POLICE,
F-2, EGMORE POLICE STATION,
CHENNAI.

+1 CC to M/S.R.SUDHAKAR Advocate on payment of necessary charges
SR.NO.1941

CRL OP.619/2020

Date :31/01/2020

TA-04/02/2020



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