

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9705 of 2020

Ashokan

... Petitioner

/vs/

State rep. By

The Inspector of Police,
District Crime Branch,
Krishnagiri District,
(Crime No.3 of 2020)

Respondent

Prayer : Criminal Original Petition has been filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with the Crime No.3 of 2020 on the file of the respondent police.

For Petitioner : Mr. G. Mohammed Aseef

For respondent : Mr. Mohamed Riyaz,
Addl. Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 468, 471, 120(B) of IPC in Crime No.3 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the first accused, who were working as Supervisor and Manager respectively in the defacto complainant's company from the year 2016 to 2018, had misappropriated a sum of Rs.66,33,770/- . Hence, the complaint.

3. The learned counsel for the petitioner would submit that the amount was deposited in the company of the defacto complainant from the year 2016 to 2018, whereas the defacto complainant had lodged a complaint only in the year 2019 and the same was registered in the year 2020. So far as the petitioner is concerned he is not an employee and only the first accused, who was working as Manager in the company, is responsible for the entire misappropriation and the petitioner is nothing to do with the crime as alleged by the prosecution. He would further submit that to prove his bonafide, the petitioner is ready and willing to deposit the title deed to some extent of the misappropriated amount. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with the first accused, who were working as Supervisor and Manager of the de-facto complainant's company for the year 2016 to 2018, had misappropriated to the tune of Rs.66,33,770/- from company's account. He further submitted that as far as the first accused is concerned, the anticipatory bail petition filed by him in CrI.O.P.No.8225 of 2020 was dismissed by this Court on 08.06.2020. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that totally there are two accused. The petitioner was working as a supervisor under the defacto complainant. The allegation is that when the petitioner along with the first accused were working as Supervisor and Manager, they misappropriated a sum of Rs.66,33,770/- . Already, the anticipatory bail of the first accused was dismissed by this Court on 08.06.2020. However, now, the learned counsel for the petitioner is ready and willing to deposit the title deed to some extent.

6. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit the original title deed worth Rs.50,00,000/- (Rupees fifty lakhs only) stands in the name of the petitioner or his friends or relatives along with proper valuation certification issued by the authorities concerned, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate-2, Krishnagiri, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to deposit the original title deed worth Rs.50,00,000/- (Rupees fifty lakhs only) stands in the name of the petitioner or his friends or relatives along with proper valuation certification issued by the authorities concerned, within a period of two weeks from the date on which the order copy made ready,

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

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

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

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

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

29/06/2020

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 JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KRISHNAGIRI DISTRICT.

CC to M/S. G.MOHAMMED ASEEF Advocate on payment of necessary charges

CRL OP.9705/2020

Date :29/06/2020

RVR 18/08/2020