

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13141 of 2020

Selvakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
(Crime No.2183 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest in connection with Crime No.2183 of 2020 on the file of respondent police.

For Petitioner : Mr.D.Dayalan

For Respondent : Mr. M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 381, 403, 406, 408, 420, 447, 506(ii) IPC, 1860, in Crime No.2183 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he is the Correspondent in Good Shepherd School and the petitioner was working as Community Development Officer and he had misappropriated a sum of Rs.5,00,000/-. Hence, the complaint.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and has been falsely implicated in this case and due to dispute in the management a false complaint has been given against him. He would submit that without prejudice to his contention, he is prepared to deposit the title deeds of properties worth Rs.5,00,000/- to the credit of Crime No.2183 of 2020 before the concerned Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Learned Additional Public Prosecutor would submit that the petitioner is working as Community Development Officer in Good Shepherd School and misappropriated an amount of Rs.5,00,000/- from the Management. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the voluntary submission made by the petitioner offering to deposit the said amount, this Court is of the opinion that the petitioner is directed to deposit the title deeds of properties either belonging to him or his relative or his friends, worth Rs.5,00,000/- to the credit of Crime No.2183 of 2020 before the concerned Court.

6. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) The petitioner is directed to deposit the title deeds of properties either belonging to him or his relative or his friends, worth Rs.5,00,000/- to the credit of Crime No.2183 of 2020 before the concerned Court **within fifteen (15) days from the date of receipt of a copy of this order.** Thereafter, the petitioner is directed to be released on bail in the event of his arrest or his appearance and on production of proof of payment of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] **the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, every Monday 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 absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

9. Post the matter on **21.09.2020** 'for reporting compliance'.

-sd/-

28/08/2020

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,
KANCHEEPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S. D.DAYALAN Advocate on payment of necessary charges

CRL OP.13141/2020

Date :28/08/2020

MK:10/09/2020