

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13468 of 2020

R.Ravi, M/56 years
S/o.Ramachandran
Athikaratty Village
Nilgiri District.

.. Petitioner

Vs.

The State by the Inspector of Police
District Crime Branch
Nilgiri District
Cr.No.5 of 2019

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.5 of 2019 on the file of the District Crime Branch, Nilgiris.

For Petitioner : Mr.R.Amizhdhu

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 alleged offences under Sections 406, 420 and 468 of IPC, in Crime No.5 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one K.Krishnakumar, Hony. Secretary, The Lawley Institute, Ootacamund, Nilgiri District, is that the petitioner was working as an Accountant cum Manager and during the period of employment, the petitioner has committed misappropriation of funds to the tune of Rs.19,51,261/- and the further allegation is that due to the misappropriation, the Institute had suffered loss to the tune of Rs.53,06,672/- on account of delayed statutory payments. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that a false allegation was made

against the petitioner and after coming to know that the allegation has been made against the petitioner, the petitioner's elder brother Chandran, in order to uphold the family name and dignity, immediately arranged the amount and paid Rs.20,01,000/- by cash and the defacto complainant has also closed the issue. For the reasons best known to them, they have given a complaint as if they were made suffered to loss to the tune of Rs.53,06,672/-. He would further submit that the defacto complainant himself has accepted that the amount was repaid.

4. The learned Additional Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioner stating that the petitioner was working as Accountant cum Manager in the de-facto complainant institution and had committed criminal misappropriation to the tune of Rs.19,51,261/- and later, the amount has been repaid. However, the amounts due to the statutory authorities were not paid in time and thereby the Institute has suffered loss of Rs.53,06,672/- on account of penalty .

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also, the alleged amount has been repaid, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 after lifting of lockdown of the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Ootacamund, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, on 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.

[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.

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

-sd/-
02/09/2020

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,
OOTACAMUND

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.R.AMIZHDHU Advocate on payment of necessary charges sr 28683

CRL OP.13468/2020

Date :02/09/2020

RD 09/09/2020