

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.18544 of 2020

Balakrishnan

... Petitioner

Versus

State Rep.by

The Inspector of Police,
Avinasi Police Station,
Avinasi, Tiruppur District.
(Crime No.1888 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.1888 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.C.Karl Marx

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 for the alleged offences under Sections 409 and 420 of IPC, in Crime No.1888 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was working as a printing Manager at SCM Garments Private Limited in the de-facto complaint's company. The petitioner, during the course of his employment, fabricated some document to make it as if he had completed some work and thereby misappropriated the amount of Rs.8,50,000/-. Hence, a complaint was given.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. Due to COVID-19 pandemic situation, he was not paid the salary properly and since the petitioner raised a dispute a false complaint has been given as if the petitioner misappropriated Rs.8.5 lakhs by fabrication of documents and wrong billing. Further, he submitted that the petitioner to show his bonafide, is ready to deposit his original title deeds worth of Rs.8 lakhs to the credit of Crime No.1888 of

2020. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is working in the de-facto complainant's company. By producing fabricated documents, made false claims and thereby the petitioner misappropriated the money to the tune of Rs.8,50,000/- and further investigation is going on. Therefore, he vehemently opposed for grant of bail to the petitioner.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 on which the order copy was made ready, before the Learned Judicial Magistrate, Avinashi, on condition that the petitioner shall execute a separate 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 conditions 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 shall deposit original title deeds of the immovable property document worth about Rs.8 Lakhs to the credit of Crime No.1888 of 2008 at the time of furnishing sureties, failing which, the anticipatory bail granted to the petitioner shall stand automatically cancelled.

[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 report before the respondent police daily at 10.30 a.m. until further orders.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/12/2020

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,
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AVINASI POLICE STATION,
AVINASI, THIRUPUR DISTRICT.

+1CC to M/S.K.C.KARL MARX Advocate on payment of necessary charges SR NO.7987

CRL OP.18544/2020

Date :07/12/2020

MK:15/12/2020