



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.2702 of 2021

S.Sivapakiyanathan

... Petitioner

Vs.

State rep by its:

The Inspector of Police (Crime),

J.J.Nagar Police Station,

Mogappair East, Chennai.

(Crime No.not known of 2021)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest in Crime No.Not known of 2021 pending investigation on the file of the respondent police herein.

For Petitioner : Mr.C.Deivasigamani

For Respondent : Mr.C.E.Pratap

Government Advocate (CrI. Side)

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 403, 406 and 420 of I.P.C. in Cr.No.Not known of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have misappropriated a sum of Rs.12 Lakhs from Reliance Fresh Company.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case. He would further submit that the petitioner worked as Store Manager in Reliance Fresh Company for more than a decade without any allegations, however, the defacto complainant, with a malafide intention to remove him from the company, has lodged a false complaint.

4.Heard the submissions made by the learned Government Advocate (Criminal Side).



5. Considering the facts and circumstances of the case, 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 Judicial Magistrate No.II, Poonamallee, 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/-
17/06/2021

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.



1 THE JUDICIAL MAGISTRATE NO.II,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE (CRIME),
J.J. NAGAR POLICE STATION,
MOGAPPAIR EAST, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.DEIVASIGAMANI Advocate on payment of necessary
charges

CRL OP.2702/2021

Date :17/06/2021

MK:14/07/2021