

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4424 of 2021

V.SUDHA

[PETITIONER / ACCUSED]

Vs

THE STATE

[RESPONDENT]

REPRESENTED BY THE INSPECTOR OF POLICE,
TEYNAMPET POLICE STATION,
T.NAGAR, CHENNAI.
CRIME NO.51 OF 2021

For Petitioner : MR.A.R.L.SUNDARESAN SENIOR COUNSEL FOR
M/S.AL.GANTHIMATHI Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S.NAGESWARAN Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C. .

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.51 of 2021 on the file of the respondent police for the alleged offence u/s 408 and 477-A of IPC, seeks anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. There are totally two accused involved in this case and the petitioner has been arrayed as A2. The petitioner was stated to be working as Accountant at M/s.Behanced Luxe Dermatology in Alwarpet, Chennai. She was stated to be the head in the Accounts Department. The company is engaged in selling serum (a kind of medicine for treating skin diseases. The allegation is that A1 one Dhanasekaran, who was in charge of sales, did not maintain proper account and had swindled the money to the tune of Rs.47.00 lakhs with the help of the petitioner and A3.

4. The learned counsel for the petitioner submitted that the allegation is only as against A1 and there is no allegation against the petitioner. The petitioner hails from a decent family and she is ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

5. The learned counsel for the intervenor stoutly opposed the petition for anticipatory bail stating that that A1 could not have misappropriated the sale proceeds without the collusion of the petitioner, who was the head in the accountant. According to him, a sum of Rs.47 lakhs has been misappropriated and not even a single pie has been recovered from any of the accused.

6. The learned Additional Public Prosecutor fairly submitted that A1 had already been arrested and remanded to judicial custody and the allegation made against the petitioner is she had helped A1 for committing misappropriation of the money. He, however submitted that investigation is pending.

7. Considering the fact the allegation is only as against A1, who had already been arrested and the allegation as against the petitioner is that she had knowledge about the misappropriation committed by A1 and the other facts and circumstances of the case, 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 from the date of receipt of a copy of this order, before the learned XXII Metropolitan Magistrate, Egmore, Chennai, on executing 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:

[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 weekly once on every Monday at 10.30 a.m. for a period of four weeks and thereafter as and when required by the police for interrogation.

[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 himself /Trial Court 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.

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

-sd/-
17/03/2021

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.

TO

1 THE METROPOLITAN MAGISTRATE NO.XXII,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
TEYNAMPET POLICE STATION,
T.NAGAR, CHENNAI.

+2CC to M/S.AL.GANTHIMATHI Advocate on payment of necessary charges SR NOS.3339, 3585

CRL OP.4424/2021

Date :17/03/2021

MK:24/03/2021