

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.OP.No.9688 of 2021

Veerakumar

... Petitioner

Vs.

State rep.by

... Respondent

The Inspector of Police, CCIW
Thiruvarur Police Station
Thiruvarur District.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.2 of 2021 on the file of the respondent police.

For Petitioner : Mr.S. Kingston Jerold

For Respondent : Mr.A. Damodaran
Government Advocate (Crl. side)

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 408, 409, 465, 468, 471 and 477-A of IPC in Crime No.2 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner/2nd accused, along with the other accused, misappropriated funds from the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he is no way connected with the occurrence and he had already paid the alleged amount of Rs.2,00,000/- and prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that the petitioner, along with the other accused, misappropriated funds to the tune Rs.3,00,000/- and further submitted that the petitioner has repaid the amount to the defacto complainant.

5. Considering the above fact and circumstances of the case and the fact that the petitioner has repaid the amount to the defacto complainant, 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 four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned **Judicial Magistrate No.I, Thiruvavarur**, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent as and when required for interrogation.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

27/05/2021

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 JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
NO.1, THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

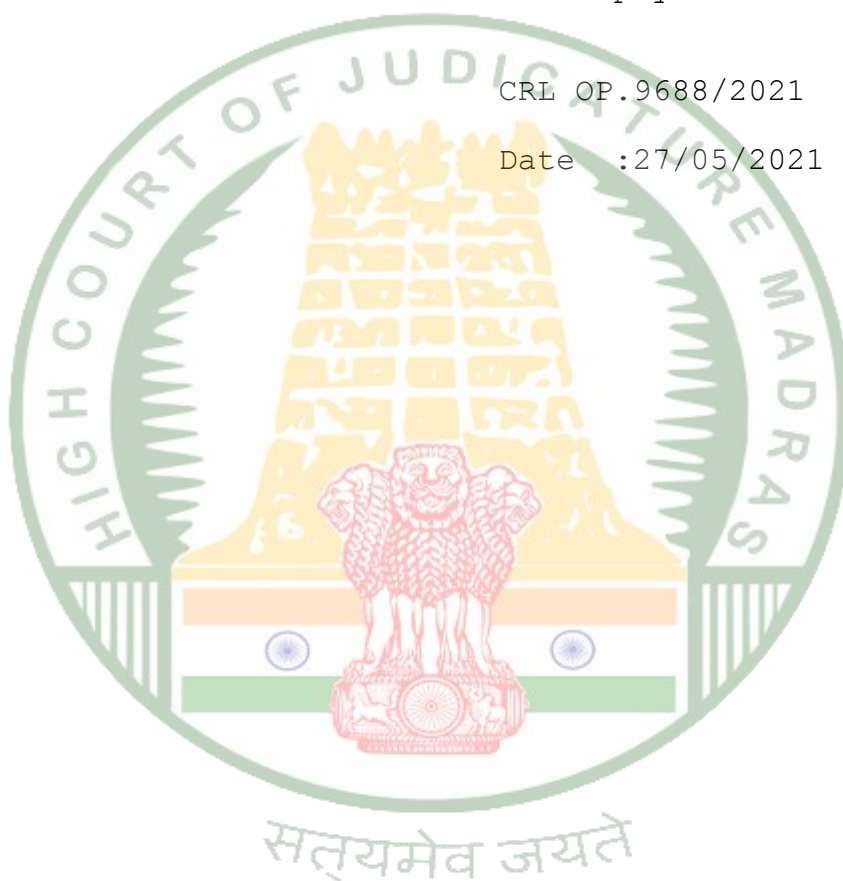
4 THE INSPECTOR OF POLICE,
CCIW, THIRUVARUR POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.S.KINGSTON JEROLD Advocate on payment of necessary
charges

CRL OP.9688/2021

Date :27/05/2021

TA-08/07/2021



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