



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

WEB COPY

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.11835 of 2021

1. K.Balachandran
2. Jayasree Balachandran ... Petitioners

Versus

The State Rep. by
The Inspector of Police,
J-3 Guindy Police Station,
Chennai.
(Crime No. Not Known of 2021) ... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of his arrest in connection with Cr.No.Not Known of 2021 on the file of the Respondent Police, pending investigation.

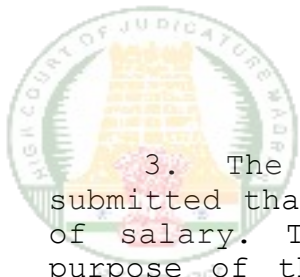
For Petitioners : Mr.S.Dhanasekaran

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI. Side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 408 and 420 of IPC, in Crime No.600 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the second petitioner is the wife of the first petitioner and she is running M/s. J.K. Enterprises. The first petitioner was working in M/s. News Today India Private Ltd., he collected the cheques, which is worth about Rs.2,97,634/- from the District Public Libraries and the same has been informed to the Director of the Company. During the lockdown, the first petitioner was terminated from his service and the company has not paid arrears of salary. Thereafter, the first petitioner has received a sum of Rs.1,47,900/- by way of two cheques for settling the wages of delivery boys and for adjusting the first petitioner's salary as per the instructions of Manager of the Company. Hence, the Director of the Company lodged a complaint stating that the petitioners have cheated the Company.



3. The learned counsel appearing for the petitioners submitted that admittedly the cheques were issued for the arrears of salary. The first petitioner received the cheques for the purpose of the wages of delivery boys and for his salary. The cheque has not been issued by the District Library and the petitioners have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the first petitioner had executed the cheques and the company has not been paid salary to the first petitioner. He received the cheques on behalf of the delivery boys. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering facts and circumstances of the case as also the fact that it is a case of employee and employer relationship between the first petitioner and the defacto complainant and the Manager has also issued cheques to the defacto complainant for the payment of his arrears of salary, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Metropolitan Magistrate - IX, Saidapet, Chennai on condition that the petitioners 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 and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

© the petitioners shall report before the respondent police as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
09/07/2021

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.IX,
SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
J3 GUINDY POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S. S.DHANASEKARAN Advocate on payment of necessary charges SR NO.7257

CRL OP.11835/2021

Date :09/07/2021

MK:15/07/2021