



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.12762 of 2021

R.R.Shankar

...Petitioner

Versus

State Rep. by
The Inspector of Police,
S-15 Selaiyur Police Station,
Selaiyur,
Chennai 600 059.
(Cr.No.243 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent Police in Crime No.243 of 2021 on the file of the respondent Police.

For Petitioner : Mr.Vijay

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 406, 420 and 468 IPC in Cr.No.243 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is an Oil Manufacturer Company. The defacto complainant Company transport their stock of oil from Chennai harbor to their factory for refining purposes through tankers. In that factory, it would be weighted by computer weighing scales and automatically the same would be updated into the computer. It is alleged that petitioner along with other accused persons working in the company had committed theft of oil from the company by incorporating manual entries and fudged the entries and caused huge loss to the tune of Rs.13,86,619/- . Hence the defacto complainant lodged a police complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is a small enterprise and he did not have such facilities of refinery process, which requires expensive machinery and prays for grant of anticipatory bail. However, the learned counsel, on instruction from the petitioner submitted that he is ready and willing to deposit a sum of Rs.60,000/- to the credit of Crime Number.

4. The learned Additional Public Prosecutor submitted that certain employees of the Company have misappropriated and committed an act of theft of oil and there is no previous case against the petitioner.

5. Considering the nature of the case and based on the undertaking given by the petitioner to deposit the amount, I am inclined to grant 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tambaram, 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) if the petitioner failed to surrender before the concerned Magistrate within a period of four weeks days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make deposit of Rs.60,000/- (Rupees Sixty Thousand only) to the credit of Cr.No.243/2021 on the file of the respondent within a period of four weeks without prejudice to his defence before the trial Court and on such deposit being made, the concerned Magistrate, after obtaining undertaking from the defacto complainant that if the petitioner succeeds in the case, the said amount would be refunded back to him, shall disburse the amount to the defacto complainant. The concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed by the petitioner;

(c) 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;



(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]; and;

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

-sd/-

28/07/2021

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 JUDICIAL MAGISTRATE,
TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
S-15 SELAIYUR POLICE STATION,
SELAİYUR, CHENNAI-600 059.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SANTHOSH Advocate on payment of necessary charges
SR.NO.7932

CRL OP.12762/2021

Date :28/07/2021

RW 06/08/2021