

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.13128 of 2021

A.Ganesan

...Petitioner

Versus

The State rep by its
The Inspector of Police,
District Crime Branch
Krishnagiri
(Crime No.4 of 2021)

....Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest by the Respondent Police pending investigation in Crime No.4 of 2021 on the file of the respondent Police.

For Petitioner : Mr.S.Saishankar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 409, 463, 468, 471, 420 IPC in Crime No.4 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is arrayed as A-1, is working as Revenue Supervisor in the Electricity Board along with the other accused collected huge amount from the customers to the tune of Rs.2,70,55,769/- and misappropriated the same without depositing the said amount in the bank.

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. However, on instructions, the learned counsel further submitted that the petitioner, without prejudice to his rights on his own volition, is ready and willing to

deposit a sum of Rs.1,40,00,000/- (Rupees one crore forty lakhs only) within a period of four weeks.

4.The learned Government Advocate (Crl.Side) vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, 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 fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, No.II, Krishnagiri**, on condition that

(i)the petitioner shall deposit a sum of Rs.1,40,00,000/- (Rupees one crore forty lakhs only) to the credit of Crime No.4 of 2021 and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/

receipt/acknowledgement, shall accept the sureties furnished by the petitioner; .

(ii) He 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 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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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

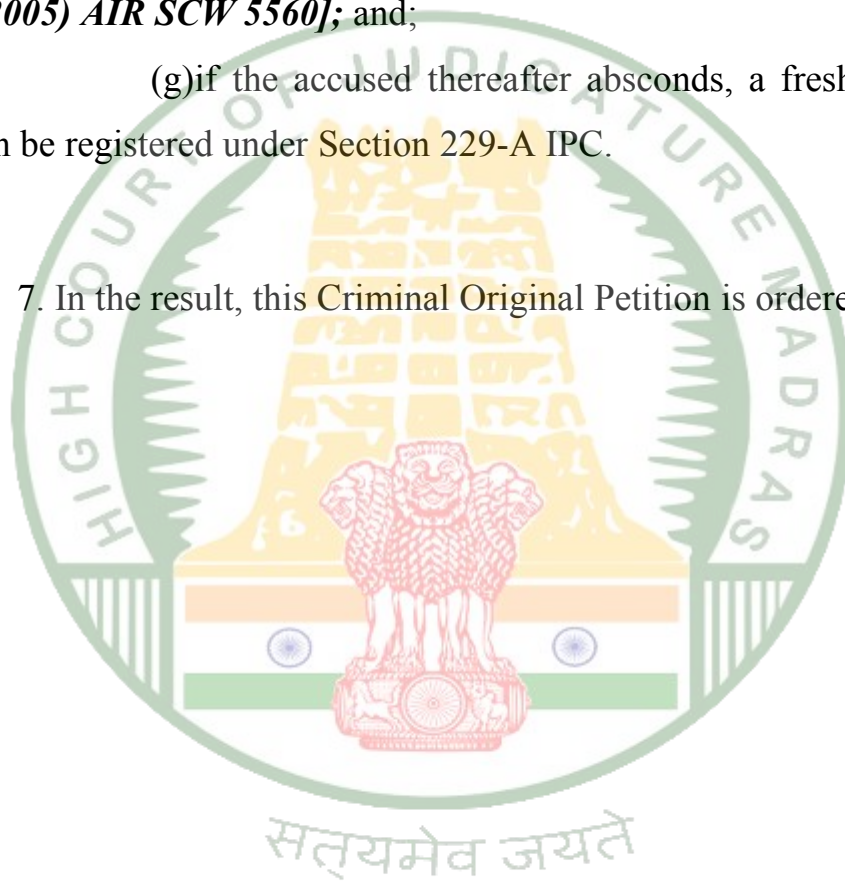
learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

7. In the result, this Criminal Original Petition is ordered.

29.07.2021

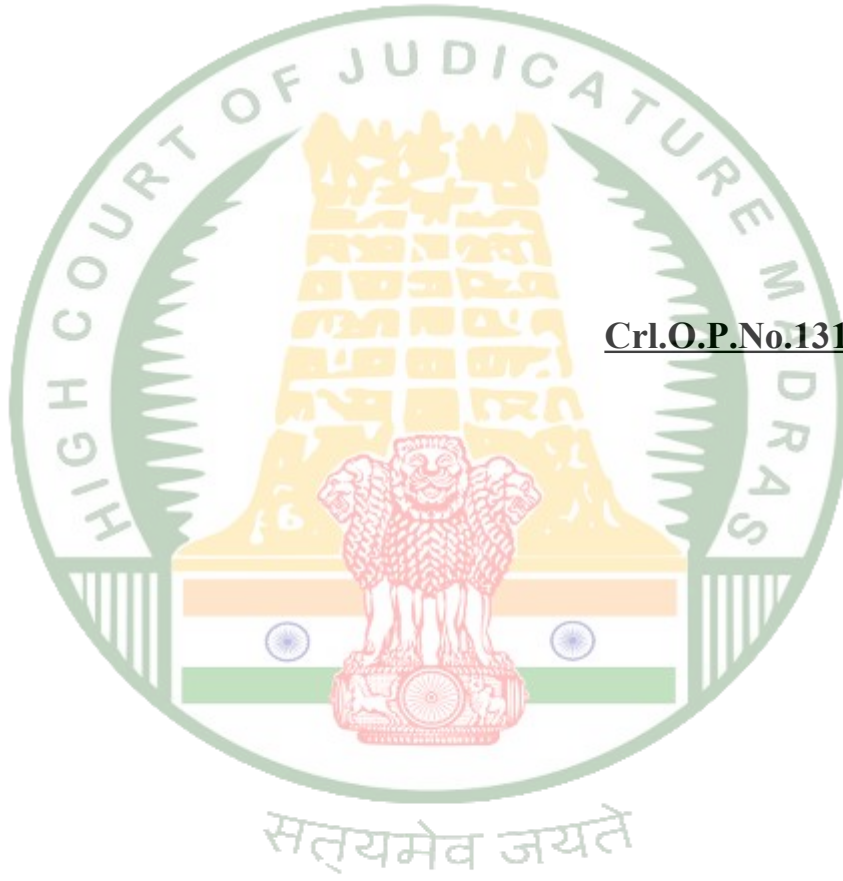
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Crl.O.P.No.13128 of 2021

M.DHANDAPANI,J.
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Crl.O.P.No.13128 of 2021

29.07.2021

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