



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13686 of 2021

SELVAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KRISHNAGIRI DISTRICT.
(CRIME NO.4/2021)

[RESPONDENT]

For Petitioner : M/S.A.SUNDARAVADANAM Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

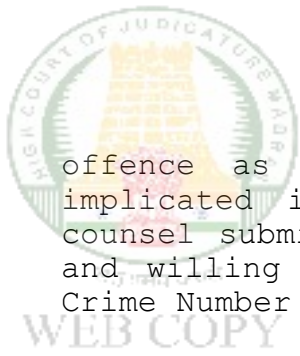
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 463, 468, 471, 420 IPC in Cr.No.4 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant who is working as Assistant Engineer TNEB made a secret inspection, it was found that A1 who was working as a Supervisor had misappropriated a sum of Rs.2,70,55,769/- from the customers and not paid the same to the TNEB Department and further it was found that one Selvam (A2/petitioner herein) who working as a Supervisor in Accounts Office had colluded with A1 and help him to misappropriate the huge amount . Hence this complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is unaware of any of the facts as alleged by the prosecution, it was A1 who collected money from the consumers and misappropriated. Further, 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 submitted that the petitioner, on his own volition, is ready and willing to deposit a sum of Rs.1,00,00,000/- to the credit of Crime Number .

4.The learned Additional Public Prosecutor submitted that the huge amount was misappropriated by the accused persons to the tune of Rs.2.70 crores and the said amount was not deposited in the Electricity Board and caused huge loss to the Department. The investigation is pending in this case and the petitioner herein had already settled a sum of Rs.10,00,000/-by way of Demand Draft dated 19.06.2021.

5. Considering the facts and circumstances of the case and based on the undertaking given by the petitioner, I am inclined to grant anticipatory bail to the petitioner. If the petitioner failed to settle the amount as undertaken, the law enforcing agency shall secure the petitioner herein without further reference to this Court.

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 II, Krishnagiri, 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 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall shall make deposit of Rs.1,00,00,000/- (Rupees One Crore only) to the credit of Cr.No.4/2021 on the file of the respondent Police within a period of four weeks from the date of receipt of a copy of this order, without prejudice to his defence before the trial Court and on such deposit being made, the concerned Magistrate, after obtaining undertaking from the Mattur TANGEDCO, Krishnagiri, rep.by the defacto complainant herein, that if the petitioner succeeds in the case, the said amount would be refunded back to him, shall disburse the amount to the Electricity Department. 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/-

05/08/2021

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-II,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KRISHNAGIRI DISTRICT .



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO

WEB COPY

MR. PERUMAL
ASSISTANT ENGINEER, TNEB,
MATTUR, KRISHNAGIRI DISTRICT.

+1CC to M/S.A.SUNDARAVADANAM Advocate on payment of necessary
charges SR.NO.8241

CRL OP.13686/2021

Date :05/08/2021

CSK 13/08/2021