



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the First day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14677 of 2021

T.H.LOKESH

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE, (CRIME)

R-7 K.K.NAGAR POLICE STATION,

CHENNAI 600 078

CIRME NO.NOT KNOWN OF 2021

For Petitioner : M/S.S.M.RAGHURAM Advocate

For Respondent : Mr.C.E.Pratap Government 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 420 and 406 of IPC in Cr.No.not known of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is an employee of the M/s.Caple Industrial Solution Private Ltd., The defacto complainant, who is the owner of the company, had purchased a wood working machineries, for which, he has paid a sum of Rs.36,00,000/- to the petitioner. In that money, the petitioner had misappropriated Rs.6,00,000/- . Hence the defacto complainant made a complaint against the petitioner and other accused.

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. Further the learned counsel submitted that the petitioner is only an employee in the said company. However, he is ready to pay a sum of Rs.50,000/- in favour of the defacto complainant and prays for grant of anticipatory bail.



4.The learned Government Advocate submitted that the petitioner along with other accused persons were working in M/s.Caple Industrial Solution Private Ltd., and they have misappropriated the companies fund. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submission made on either side, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, within a period of four weeks from the date of receipt of a copy of this order and on further condition that:

(a) the petitioner shall pay a sum of Rs.50,000/- (Rupees Fifty thousand only) by way of cash/ demand draft to the credit of Crime Number, before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai without prejudice to his defence before the trial Court within a period of two weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the Demand Draft, shall accept the sureties furnished by the petitioner. Thereafter, the learned Judicial Magistrate is directed to disburse the amount to the defacto complainant on filing an appropriate undertaking affidavit before the trial Court.

(b)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;

(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.

WEB COPY

-sd/-

01/09/2021

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 XXIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE, (CRIME)
R-7 K.K.NAGAR POLICE STATION,
CHENNAI 600 078

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.M.RAGHURAM Advocate on payment of necessary charges
Sr.9487

CRL OP.14677/2021

Date :01/09/2021

RVR 13/09/2021