



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17386 of 2021

S.SANTHANARAMAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CCIW, THIRUVARUR POLICE STATION,
THIRUVARUR DISTRICT.
(CRIME NO.2/2021)

[RESPONDENT]

For Petitioner : M/S.B.KUMARASAMY Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 408, 409, 465, 468, 471 and 477(a) of IPC in Crime No.2 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant of the society is that the petitioner along with other accused had misappropriated a sum of Rs.15,72,593/-. Based on the complaint made by the defacto complainant, the Law Enforcing Agency registered the case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that already the co-accused were enlarged on anticipatory bail by this Court in Crl.OP.Nos.9652 and 10521 of 2021 dated 14.06.2021 and 17.06.2021 respectively. Apart from that, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.15,72,593/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the



amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.15,72,593/- will be returned to him.

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4. The learned Government Advocate (Crl.Side) submits that the petitioner's earlier two anticipatory bail petition filed before this Court in Crl.OP.No.12700 of 2021 dated 28.07.2021 was dismissed as withdrawn and Crl.OP.No.14921 of 2021 was dismissed on the ground that no change of Circumstances.

5. Considering the submissions on either side and also considering the facts and circumstances of the case and also the fact that the petitioner is ready to deposit the amount of Rs.15,72,593/- to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *Judicial Magistrate No.I, Thiruvavarur*, 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) the petitioner shall deposit a sum of Rs.15,72,593/- (Rupees Fifteen lakhs Seventy two thousand and five hundred and ninety three Only) to the credit of Cr.No.2 of 2021 before the *Judicial Magistrate No.I, Thiruvavarur* within a period of four weeks from the date of receipt of a copy of this order . On such deposit being made, the learned *Judicial Magistrate No.I, Thiruvavarur* shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.15,72,593/- deposited by the petitioner to the credit of Cr.No.2 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, the trial court shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b) the petitioner and 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;
<https://hcservices.ecourts.gov.in/hcservices/>



(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 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/-

21/09/2021

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 THE JUDICIAL MAGISTRATE,
NO.I, THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CCIW, THIRUVARUR POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.B.KUMARASAMY Advocate on payment of necessary
charges SR.NO.10403

CRL OP.17386/2021

Date :21/09/2021