

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19350 of 2020

G.SHEKAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY

THE INSPECTOR OF POLICE,
J2 ADAYAR POLICE STATION,
CHENNAI DISTRICT.

(CRIME NO.726 OF 2020)

[RESPONDENT]

For Petitioner : M/S. A.TAMILVANAN Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 409 and 420 of IPC in Crime No.726 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that, the petitioner while he was working in the Titan Eyeplus showroom misappropriated a sum of Rs.14,14,285/-. Hence, the complaint.

4.The learned counsel appearing for the petitioner would submit that at the stage of CSR, the petitioner has settled Rs.4 Lakhs to the defacto complainant. He further submitted that the defacto complainant has recovered Rs.10,00,000/- through theft insurance. However, on instructions, the learned counsel for the petitioner submitted that the petitioner is ready to deposit Rs.1,00,000/- to the credit of crime no.726 of 2020, thereafter the said amount may dispersed to the defacto complainant. Hence, he seeks for grant of anticipatory bail to the petitioner.

5.The learned Additional Public Prosecutor has no serious objections.

6.Considering the facts and circumstances of the case and also that the petitioner is ready to deposit Rs.1,00,000/- to the credit of crime No.726 of 2020, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.726 of 2020 and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned IX Metropolitan Magistrate, Saidapet, Chennai, within a period of 15 days from the date of receipt of a copy of this order, on executing 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 conditions that:

[a] the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.726 of 2020 and on such deposit, the learned Magistrate is directed to disperse the same to the defacto complainant after obtaining necessary affidavit.

[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. for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
16/04/2021

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 METROPOLITAN MAGISTRATE NO.IX,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J2 ADAYAR POLICE STATION,
CHENNAI DISTRICT.

+1CC to M/S. A.TAMILVANAN Advocate on payment of necessary charges SR NO.5052

CRL OP.19350/2020

सत्यमेव जयते Date :16/04/2021

MK:27/04/2021

WEB COPY