

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.19124 of 2020

P.KRISHNAMURTHY

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE

[RESPONDENT]

CCIW CID,

CHENNAI - 32.

CR.NO.1 OF 2020

For Petitioner : M/S.V.PAARTHIBAN 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 in connection with the case in Crime No.1 of 2020 on the file of the respondent police for the alleged offences punishable under Sections 408, 409, 468, 471, 477(A), 420, 120(B) r/w 34 of IPC, is before this court seeking anticipatory bail.

2. There are totally 21 accused and the petitioner has been arrayed as A1. He was appointed as Assistant Director in charge Secretary of the Rahumaniya Auto Drivers Industrial Co-operative Society. The object of the society was to promote minority auto drivers life by providing autos to them arranging loan through THAICO & SIDCO Banks. The case of the prosecution is that the society arranged loan to various persons for the purchase of auto-rickshaw but, few of them had failed to repay the loan. The allegation against the petitioner is that being Assistant Director of the Society, he has not seized the autos from the defaulted members of the society and therefore caused monetary loss to the Co-operative Society. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner was relieved from service on 05.03.2011 and this complaint was made after six years. He further submitted that he did not commit any offence as alleged by the prosecution. The learned counsel further submitted that the co-accused in this case has been granted bail in Crl.O.P.No.19933 of 2020 on 18.02.2021.

4. The learned Additional Public Prosecutor would strongly oppose the granting of anticipatory bail. He would, however, submit that the co-accused have been granted bail.

5. Considering the fact that the petitioner was working as Assistant Director of the Association, there is no allegation of misappropriation and also considering all the other facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) 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 learned XI Metropolitan Magistrate, Saidapet, Chennai, on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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 make himself available for interrogation as and when required by the police.

[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].

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

With the above directions, this Criminal Original Petition is ordered.

-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 XI METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

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

3 THE INSPECTOR OF POLICE
CCIW CID, CHENNAI - 32.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V.PAARTHIBAN Advocate on payment of necessary charges
Sr.4848

CRL OP.19124/2020

Date :16/04/2021

RVR 26/04/2021