



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.17830 & 17831 of 2021

1 NANJUNDAN [PETITIONER / ACCUSED
2 GOPAL IN CRL.O.P.No.17830 of 2021]
3 KALA
4 KARUNANITHI
5 ANBAZAGAN
6 THOTLAN
7 VALLI

S.S.KANNAIYAN [PETITIONER / ACCUSED
IN CRL.O.P.No.17831 of 2021]

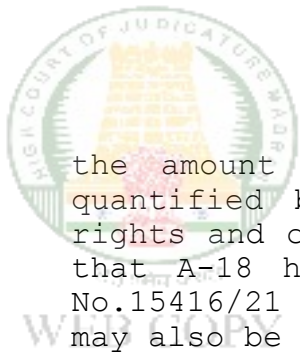
Vs

STATE REP BY [COMPLAINANT/RESPONDENT
THE INSPECTOR OF POLICE, IN BOTH THE PETITIONS]
CCIW POLICE STATION,
KRISHNAGIRI DISTRICT.
(CRIME NO.02/2021)

This petition having been posted this day for being mentioned pursuant to the order of this Court dated 30.09.2021 and made herein and in the presence of M/S. R.THIRUMOORTHY, Advocate for the petitioner and of MR. A.GOPINATH, Govt. Advocate (Crl. Side) on behalf of the respondent and of M/S.M.S.PALANISAMY, Advocate for the intervenor the Court made the following order.

Today, these matter are listed under the caption ''for being mentioned'' at the instance of the learned counsel for the petitioners.

2. Learned counsel appearing for the petitioners submit that this Court, considering the misappropriation alleged to have been committed by the petitioners, had dismissed the anticipatory bail applications. However, it was inadvertently omitted to be mentioned that the petitioners, on their own volition, are willing to deposit



the amount due and payable by them towards the misappropriation, quantified by the defacto complainant, without prejudice to their rights and contentions at the time of trial. It is further submitted that A-18 has already been granted anticipatory bail in Crl. O.P. No.15416/21 vide order dated 31.08.21 and, therefore, the petitioners may also be granted anticipatory bail.

3. On 30.09.2021, this Court, considering the gravity of the offence and the misappropriation committed by the petitioners had dismissed the petition, as at that point of time, no submission was made on behalf of the petitioners that they are willing to deposit the alleged misappropriated amount. However, considering the submission of the learned counsel for the petitioners that inadvertently it was omitted to mention that the petitioners, on their own volition, are ready and willing to deposit the alleged misappropriate amount as under :-

Rank	Name	Amount
A- 15	S.S.Kannaiyan M/81	Rs.3,23,248/-
A-16	Nanjundan M/44	Rs.1,96,582/-
A- 17	Gopal M/66	Rs.97,692/-
A- 19	Kala F/49	Rs.1,96,581/-
A- 20	Karunanithi M/74	Rs.1,96,580/-
A- 21	Anbazagan M/37	Rs.97,691/-
A- 22	Thotian M/71	Rs.97,691/-

4. In view of the fact that the petitioners are ready and willing to deposit the alleged misappropriated amount on their own volition, this Court is inclined to recall the order dismissing anticipatory bail and grant anticipatory bail to the petitioner.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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 petitioners shall execute separate 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 petitioners shall pay the amount which was misappropriated by them (as mentioned above in the tabular column) by way of demand draft to the credit of Crime No.2 of 2021, before the Judicial Magistrate-II, Krishnagiri without prejudice to their defence before the trial Court within a period of four 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 petitioners. Thereafter, the learned Magistrate is directed to disburse the amount to the defacto complainant on filing appropriate undertaking affidavit before the trial Court.

(b) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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. ''

-sd/-

20/10/2021

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.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
CCIW POLICE STATION,
KRISHNAGIRI DISTRICT.

WEB COPY
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary
charges

CRL OP.Nos.17830 & 17831 of 2021

Date :20/10/2021

RW 22/12/2021