

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19579 of 2020

S.SIVAKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANCHEEPURAM.
CRIME NO.34 OF 2018

[RESPONDENT]

For Petitioner : M/S.S.SHANKAR Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN 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/A4, who apprehends at the hands of the respondent police for the alleged offence under Sections 465, 468, 471, 420 and 34 of IPC in Crime No.34 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The allegation is that the petitioner colluded with the accused A1 and A2, who are erstwhile employees of the defacto complainant's company and obtained work orders by quoting excessive rates and thereby caused loss to the defacto complainant company. Hence, the present complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is in no way connected with the alleged offence. It is further submitted that the opening and perusal of the quotations and awarding contracts is entirely internal affairs of the defacto complainant company and except participating in the process, the petitioner has no role to play and only with the consent of the top management, all the contracts were awarded and executed by the petitioner firm. It is further submitted that when the petitioner demanded settlement of outstanding amount of Rs.20 lakhs from the defacto complainant, a false case has been foisted against the petitioner. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is said to have colluded with the other accused and caused loss to the defacto company. He further submitted that there is no specific allegation as against this petitioner and that there is no bad antecedents against this petitioner.

5. Taking into consideration the facts and circumstances of the case and on perusal of the FIR, it reveals that no allegations were made against the petitioner herein, 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 I, Kancheepuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- each (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 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;

(b) 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.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
19/04/2021

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 JUDICIAL MAGISTRATE NO.I,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANCHEEPURAM.

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

CRL OP.19579/2020

सत्यमेव जयते Date :19/04/2021

MK:29/06/2021

WEB COPY