



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.20374 of 2020

PALANIAPPAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE (CRIME),
R-5, VIRUGAMBAKKAM POLICE STATION,
CHENNAI.
(CRIME NO. 689 OF 2020)

[RESPONDENT]

For Petitioner : M/S.G.R.M.PALANIAPPAN Advocate

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

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

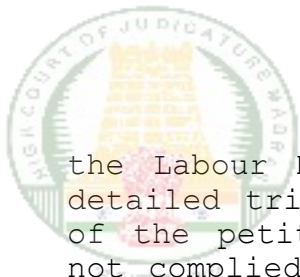
ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends at the hands of the respondent police for the alleged offence under Sections 378, 403, 406, 408 & 420 of IPC r/w. Section 43, 66 and 72 of IT Act in Crime No.689 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the sole accused in this case. The petitioner, who was an employee of the defacto complainant's company, is said to have misused the company property and also not returned the company materials which were provided to him during his employment. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner was employee of the defacto complainant's company. For the purpose of employment, he was transferred to Oman and the petitioner created good profits for the company in Oman. For appreciation of the same, the petitioner was provided ipad and i phone as gift. In the mean while, the petitioner was not provided proper salary. Since the defacto complainant did not provide six months salary, the petitioner resigned his job. Subsequently, the petitioner lodged a complaint against the defacto complainant before



the Labour Ministry of Oman for recovery of his salary dues. After detailed trial, the Labour Court in Oman passed the order in favour of the petitioner. However, till date, the defacto complainant has not complied with the order passed by the Labour Court Oman. In the mean time, the defacto complainant filed a suit in O.S.No.300 of 2020 seeking injunction and for declaratory relief for the said foreign court order. The trial dismissed the I.A.No.02 of 2020 for injunction. Suppressing all the facts, the present complaint was filed. He further submitted that the petitioner is innocent and he has no previous antecedents. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is said to have misused the materials of the defacto complainant and not returned the same to the said company. He further submitted that there is no bad antecedents against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that there is no bad antecedents against the petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XXIII Metropolitan Magistrate Court, Saidapet, Chennai, 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 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/-

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 XXIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

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

3 THE INSPECTOR OF POLICE (CRIME),
R-5, VIRUGAMBAKKAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.20374/2020

Date :16/04/2021

RVR 06/05/2021