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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.674 of 2022

Venkatesan

.. Petitioner

Vs.

The State rep by
The Inspector of Police
Chetpet Police Station,
Kilpauk, Chennai District.
Crime No.326 of 2021

.. Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.326 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr. S. Arivazhagan

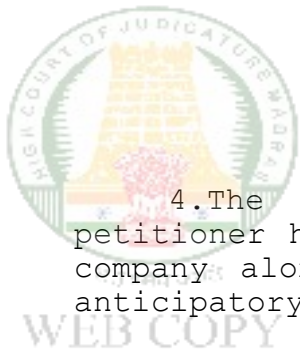
For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

O R D E R

The petitioner, who apprehends arrest for the alleged offences under Sections 408, 465, 468, 471 and 420 of IPC in Cr.No.326 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is arrayed as A2 in this case. A1 and A2 working in M/s.Bhavar Sales Corporation have misappropriated funds and stolen the stocks in connivance with the collusion of suppliers of company and caused a huge loss to the company financially. Hence the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that he has no way connected with the alleged occurrence and he has been falsely implicated in this case. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.2,00,000/- to the credit of the crime number. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor submits that the petitioner has misappropriated the funds and stolen the stock of the company along with A1. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the petitioner, on his own volition, is ready to deposit an amount of Rs.2,00,000/- to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Metropolitan Magistrate-II, Egmore, Chennai on condition that the petitioner shall execute 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 condition that:

(a) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakh Only) to the credit of Cr.No.326 of 2021 before the learned Metropolitan Magistrate-II, Egmore, Chennai within a period of two weeks from the date of receipt of a copy of this order.

(b)On such deposit, 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;

(c)the petitioner is directed to appear before the respondent police every Wednesday at 10.30 a.m until further orders;

(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 anticipatory 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.

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-sd/-

12/01/2022

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.II, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
CHETPET POLICE STATION,
KILPAUK, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.674/2022

Date :12/01/2022

RW 21/01/2022