



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1946 of 2022

K.Kesavan

... Petitioner

Versus

The State represented by
The Sub Inspector of Police,
Sevvaipet Police Station,
Tiruvallur District.
(Crime No.106 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.106 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Devendran

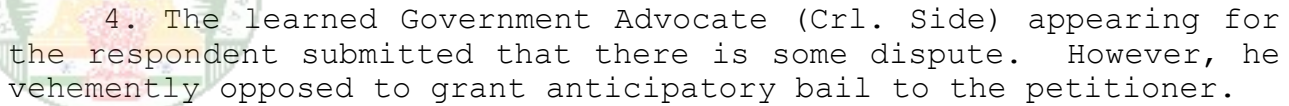
For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 381 of IPC in Crime No.106 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 23.03.2021 the petitioner was a Temporary Additional Supervisor at the TASMACH outlet at Shop No.9029 and there was an inspection at the outlet shop conducted by the District Manager and the Assistant Manager of the TASMACH at Tiruvallur District (West) on 17.03.2021 and subsequently submitted a detailed report on 20.03.2021 by stating that there was a shortage of stock value of Rs.11,07,840/- and therefore, there was an inquiry conducted with A1 who was salesman at the said outlet shop and A2 and found that these two are the responsible for the shortage of stock. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court - II, Tiruvallur, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Crime No.106 of 2021 within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioner and 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 is directed to report before the respondent police daily 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].



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

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-sd/-
01/02/2022

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 JUDICIAL MAGISTRATE COURT NO.II,
TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE SUB-INSPECTOR OF POLICE,
SEVVAIPET POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. D.DEVENDRAN Advocate on payment of necessary charges SR.NO.1572

CRL OP.1946/2022

Date :01/02/2022

MK:03/02/2022