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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM:

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

Crl.O.P.No.4499 of 2022

Rajkumar

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
Sevvapet Police Station,
Thiruvallur District.
(Crime No.106 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.106 of 2021, on the file of the respondent Police.

For Petitioner : Mr.A.R.Suresh

For Respondent : Mr.L.Baskaran

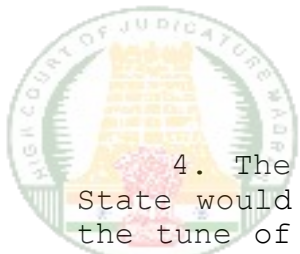
Government Advocate (Crl. Side)

ORDER

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

2.It is the case of the prosecution that the petitioner/A1, who was working as a sales man in TASMACH shop No.9029 along with A2 as a temporary additional Supervisor, have jointly misappropriated public money to the tune of Rs.11,07,840/- from that shop. Hence, the law enforcing agency registered a case as against the petitioner.

3. The learned counsel for the petitioner would submit that he has not committed any offence as alleged by the prosecution and he has falsely implicated in this case. However, without prejudice his right, on his own volition ready to deposit a sum of Rs.1,00,000/- (Rupees One lakhs Only) to the credit of crime number. Hence, he prays for anticipatory bail.



4. The learned Government Advocate (crl.side) appearing for the State would submit that the petitioner has misappropriated public to the tune of Rs.11,07,840/- from the TASMAL shop No.9029. There is one previous case as against the petitioner. He would further submit that the petitioner/A2 is still absconding and the investigation is not yet completed. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and there is no previous case pending against the petitioner, if he released on bail he may not abscond, 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 before the learned **Judicial Magistrate - II, Thiruvallur** on condition that the petitioner shall execute a bond for 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 shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of crime No.106 of 2021 on the file of the Judicial Magistrate - II, Thiruvallur, within three weeks from the date of receipt of a copy of this order. On such deposit petitioner is ordered to be released on anticipatory bail, failing which, bail granted by this Court is stands canceled automatically.

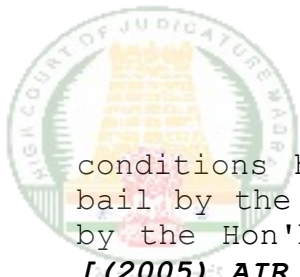
[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] **the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three months and thereafter as and when required for an interrogation;**

[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 has been imposed and the petitioner is 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;

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[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-
10/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S A.R.SURESH Advocate on payment of necessary charges
SR.NO.3733

CRL OP.4499/2022

Date :10/03/2022

TA-16/03/2022