



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.4796 of 2022

P.KISHORE KANNAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ARANI POLICE STATION,
ARNI TALUK, TIRUVANNAMALAI.
(CR.NO.3533 OF 2020)

[RESPONDENT]

For Petitioner : M/S. M.JAISINGH Advocate

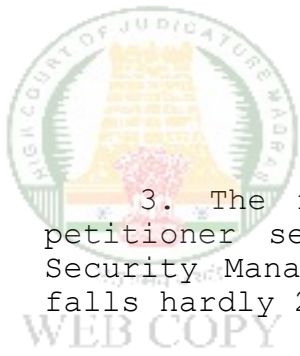
For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 406 & 420 of IPC in Crime No.3533 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, totally, there are 25 accused. The petitioner is A23. The de facto complainant is National Collateral Management Services Limited. The duty of the de facto complainant is to stock the rice bags and hypothecated goods in the godown and release them after releasing of hypothecation to the owners. The petitioner was working as Cluster Controller and his duty is to cross check physical verification of the counts and numbering of the stocked bags monthly once. It is alleged that as per stock register the available stock should be 99,270 bags, but, on physical verification, there was only 68,391 bags and there was a shortage of 29,829 bags. The allegation against the petitioner is that in collusion with the borrowers, he permitted them to remove the goods from the godown. Hence, the complaint.



3. The material placed before this Court indicates that the petitioner served in the de facto complainant bank as Collateral Security Manager for eleven months, out of which, the check period falls hardly 21 days of his service.

4. In view of the above fact, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate Court, Arni, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh 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 his 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer daily at 10.30 a.m. until further orders;

(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 has 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.

WEB COPY

-sd/-

14/03/2022

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,
ARNI, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ARANI POLICE STATION,
ARNI TALUK, TIRUVANNAMALAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. M.JAISINGH Advocate on payment of necessary charges SR.No.3964

CRL OP.4796/2022

Date :14/03/2022

CSK 18/03/2022