

**Crl.OP.No.8289 of 2022****M.DHANDAPANI,J.**

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 408, 465, 468, 477A, 420 read 34 of IPC in Cr.No.172 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is arrayed as A23 . The petitioner is the employee of the defacto complainant company. The petitioner along with other accused persons joined together and misappropriated the huge money of the said company. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that this is the third bail application and the petitioner is an innocent and he did not commit any offence as alleged by the prosecution. On perusal of the FIR, there is no specific allegation mentioned in respect of this petitioner and even on perusal of the confession statements given by co-accused persons, the petitioner has not implicated with regard to the misappropriation of the company fund. However, without prejudice to his defence, the petitioner is



ready to pay the amount of Rs.5,00,000/- in crime number within a period of six weeks from the date of receipt of a copy of this order. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl side) appearing for the respondent submitted that if the petitioner is ready to pay the aforesaid amount to the defacto complainant, he has no objection to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and the petitioner is ready to pay some amount to the defacto complainant and also of the fact that the major part of the investigation is over, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of six weeks from the date of receipt of a copy of this order, before the learned **Judicial Magistrate-I, Poonamallee** 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:

(b) the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) by way of Demand Draft to the credit of Crime No.172 of 2019, before the learned Judicial Magistrate-I, Poonamallee without prejudice to his defence before the trial Court within a period of six weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the Demand Draft, shall accept the sureties furnished by the petitioner. Thereafter, the learned Judicial Magistrate is directed to disburse the amount to the defacto complainant on filing an appropriate undertaking affidavit before the trial Court. If the petitioner succeeds in his case, the defacto complainant shall return the amount to the petitioner, which will be withdrawn by him.

(c)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;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)on breach of any of the aforesaid conditions, the learned



Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

30.06.2022

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