



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12068 of 2022

1 GAYATHRI
2 MANISH

[PETITIONERS / ACCUSED]

Vs

THE STATE BY
THE SUB INSPECTOR OF POLICE,
T4, MADURAVOYAL POLICE STATON,
CHENNAI-600 010
(CRIME NO.117/2022)

[RESPONDENT]

For Petitioner : M/S.KOMAL Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 406, 420 & 506 (1) of IPC in Crime No.117 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto Complainant is running resale of old/used vehicles business under the name of SRIHARI BIKES and the 1st Petitioner while working in the defacto complainant's company as a sales girl produced a fake bill to the customer and stole Rs.1,78,000/- of the Company monies. The De facto Complainant came to know about this only when a customer who bought an auto came again to return the same and that time when the De facto Complainant compare the bill produced by the customer and the bills which were already in their possession he came to know that both were different, thus the De facto Complainant came to know about the 1st Petitioner embezzlement on the Company monies. So, the De facto Complainant enquired about the same to the 1st Petitioner and also



states that the 1st Petitioner accepts her mistake and she asked for one week time to return the monies she embezzled. But later she never picked up the call. When the De facto Complainant went to the house of the petitioners directly to ask for the money, these petitioners used derogatory words against the De facto Complainant and also threatened him. Hence, the complaint was lodged before the Respondent Police. The petitioners state that the First Information Report was registered against the Petitioners for the offences punishable under the aforesaid Sections of IPC. Hence the complaint.

3. The learned Additional Public Prosecutor would submit that totally there are two accused and they are working under the defacto complainant and swindled the amount to the tune of Rs.1,78,000/-.

4. The learned counsel appearing for the petitioners would submit that the earlier petition filed by the petitioners was dismissed as withdrawn. However, the petitioners are ready and willing to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) each to the credit of crime No.117 of 2022. Therefore, he pray for grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) each to the credit of Crime No.117 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned II Judicial Magistrate, Poonamallee, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 petitioners 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.

[b] the petitioners shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) each to the credit of Crime No.117 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.



[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners 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].

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

-sd/-
20/05/2022

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-II,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
T4, MADURAVOYAL POLICE STATON,
CHENNAI-600 010.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.12068/2022

Date :20/05/2022

CSK 26/05/2022