



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.13041 of 2022

V.BASKARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING,
CUDDALORE DISTRICT
CRIME NO.NOT KNOWN OF 2022

[RESPONDENT]

For Petitioner : M/S. G.ILAMURUGU Advocate

For Respondent : MR.A.GOKULAKRISHNAN, Additional public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 408, 409, 420, 463, 471 & 477 A of IPC, in Crime No.Not Known of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on Section 81 enquiry, a criminal case has been registered against the petitioner and four others for misappropriation of a sum of Rs.14,58,690/- in the Tamil Nadu Cooperative Society and for falsifying the accounts and creating documents as if the payments were made to the Auto services. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is responsible for Rs.5,00,000/- of the total misappropriated amount and the petitioner has re-paid the same. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Prosecutor appearing for the respondent submitted that the petitioner along with other accused have misappropriated a sum of Rs.14,58,690/- in the Cooperative Society. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the fact that the petitioner has repaid a sum of Rs.5,00,000/- for which he is responsible, 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 his arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Chief Judicial Magistrate, Cuddalore, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[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 have 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].



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

-sd/-
01/06/2022

WEB COPY

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 CHIEF JUDICIAL MAGISTRATE
CUDDALORE

2 THE INSPECTOR OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING,
CUDDALORE DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. G.ILAMURUGU Advocate on payment of necessary charges SR.NO.8446

CRL OP.13041/2022

Date :01/06/2022

JPA 06/06/2022