



Crl.O.P.No.16714 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 418 of IPC r/w Section 34 of IPC in Crime No.303 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that one, Gopalarathinam, the accountant of the club i.e. Cercle de Pondicherry was entrusted to check the sales books from the petitioner and also to prepare the statement of accounts and submit to the committee concerned. Thereafter, the Secretary found that the accountant committed irregularities in books of accounts and caused loss of Rs.8,44,939/- to the club. Further, the petitioner was the cashier at that time. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that there are



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members in the club and executive members are there in the club and they are responsible for the entire transaction and the petitioner is only a cashier and the second accused, who is being the accountant of club, is accounting the money. However, he would submit that the petitioner is ready and willing to deposit a reasonable amount as directed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Public Prosecutor (Puducherry) produced auditor's report from the month of June to December 2018, wherein there is a shortage of Rs.8,44,939/-. He would further submit that there are totally two accused, in which the petitioner is arrayed as A1. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. There are totally two accused, in which the petitioner is arrayed as A1. When the petitioner was working as a cashier of the defacto complainant club from April to December 2018, the petitioner has misappropriated a sum of Rs.8,44,939/- from the defacto complainant club. Considering the above facts and circumstances of the case, this



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Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.303 of 2021, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Chief Judicial Magistrate, Puducherry 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, 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees



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Two Lakhs only) to the credit of Crime No.303 of 2021, 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 petitioner 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 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 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered



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under Section 229A IPC.

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