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Crl.O.P.No.16569 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) IPC in Crime No.18 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are employees of the Sarvodaya Nano Finance Limited, they collected finance amount of Rs.11,51,673 from their 180 customers and both were never paid the said amount. On 02.12.2021, it was enquired by the defacto complainant, the first petitioner accepted his misappropriation and repaid a sum of Rs.2 lakhs to the finance company and he promised to repay the remaining balance amount Rs.9,51,673/- within one month. After lapsed of one month the defacto complainant asked the remaining amount, the first petitioner was refused to repay the amount and threatened to return his previously paid amount Rs.2 lakhs. Hence the complaint.

3. The learned counsel for the petitioner submitted that the



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petitioners are no way connected with the offence as alleged by the prosecution and they are falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners are the staff members of the said finance company and they collected money from their customers and misappropriated the same. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are two accused in this case these petitioners are arrayed as A1 and A2 respectively. registration of FIR, the first accused admitted his misappropriation and paid a sum of Rs.2 lakhs. As far as the second petitioner is concerned, the second petitioner was assisted the first accused to misappropriate to the tune of Rs.11,51,673/-.

6. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Thindivanam, 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 report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness



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either during investigation or trial.

[d] the petitioners 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 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]**.

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

18.07.2022

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