



CrI.O.P.No. 17624 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 420, 467, 468, 408 and 471 of IPC in Crime No.2 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is doing business in the name and style of SRS Japanese Quail Products. It is alleged that one Govindaraj (deceased) was employed as a Manager in his Company and he gave all the powers to maintain all the business transactions of his company. The said Govindaraj died in a road accident in the month of June 2022 and after his demise, the defacto complainant came to know that the said Govindaraj had swindled a sum of Rs.1,21,18,035/- from the Company and transferred the same to the bank account of the family members by creating fabricated bogus documents. Hence, the complaint.



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3. There are totally five accused, in which the petitioner is arrayed as

A4. According to the prosecution, the deceased person was working as a Manager in the defacto complainant's company. He had misappropriated to the tune of Rs.1,21,18,035/-. It is further alleged that those amounts were transferred in favour of the petitioner, brother of the deceased Govindaraj, the said deceased person's wife, his sister, his mother and his brother.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that already the accounts of his wife, sister, mother have been frozen and that the huge amounts were lying in their accounts. As far as the petitioner is concerned, he is brother of the deceased person.

5. Further, the prosecution alleged that the petitioner had also received huge amount and had also purchased property. However, no document was produced before this Court to show that huge amount has been transferred and about the purchase of the property in his name.



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6. Considering the above fact and circumstances of the case, this

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

7. Accordingly, the petitioner is ordered to be released on bail in the event of 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 Judicial Magistrate No.II, Tiruppur, 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 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.



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[c] the petitioner shall not tamper with 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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