



CrI.O.P.No.21833 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 406, 408, 417, 477A and 420 of IPC, in Crime No.4 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Director of Sri Venkateswara Wheat Mills Pvt. Ltd, Pattukonampatti, Dharmapuri District and A1 is the close relative of the defacto complainant along with other accused misappropriated the amount to the tune of Rs.3,57,44,322/-, thereby cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he is no way connected with the alleged offence. He would further submit that the substantial amount has been transferred to the petitioner to the tune of Rs.25,00,000/-. He would also submit that he is ready and willing to deposit his title deed to show his bonafide without prejudice to his rights of defence . The other accused persons were arrested and released on bail. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) submits

that there are totally 8 accused, in which the petitioner is arrayed as A3.

The petitioner, along with other accused, supplied atta flour to various customers and received amount from them and not accounted to the defacto complainant, thereby cheated the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there are totally 8 accused, in which the petitioner is arrayed as A3. The crux of the allegation is that the defacto complainant is a whole seller of atta flour. From 01.08.2018 to 16.10.2021, the defacto complainant supplied atta flour to various customers. A1 is a salesman and others are working under the defacto complainant. The first petitioner was working as a supervisor and others were working as driver. After supplying to the respective customers, the petitioner and other accused received amount and not accounted to the defacto complainant. The petitioner and other accused misappropriated to the tune of Rs.3,57,44,322/-.

6. Considering the above facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner



with certain conditions.

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7. Accordingly, **the petitioners shall deposit the original title deeds not less than the value of Rs.50,00,000/- (stands in the name of the petitioners or their relatives or friends) along with proper valuation certificate obtained from the authority concerned, to the credit of Crime No. 4 of 2022, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his right of defence** and on such deposit, 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, Dharmapuri, 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.



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[b] the petitioner shall deposit the original title deeds not less than the value of Rs.50,00,000/- (stands in the name of the petitioners or their relatives or friends) along with proper valuation certificate obtained from the authority concerned, to the credit of Crime No. 4 of 2022, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his right of defence.

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

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

12.09.2022

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