



Crl.O.P.No.22335 of 2022

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M.DHANDAPANI,J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 408, 465, 468, 477A, 420 r/w.34 of I.P.C. in Crime No.172 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is an employee of the defacto complainant company and he along with the other accused is alleged to have misappropriated huge amount from the company.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is arrayed as A24 and A23 in the case has already been granted anticipatory bail by this Court in Crl.O.P.No.8289 of 2022 on 30.06.2022. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.5,00,000/- to the credit of the crime number within a period of six weeks from the date of receipt of a copy of this order. Hence, this

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Court may consider for grant of anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl. Side) submitted that since the petitioner himself has come forward to deposit a sum of Rs.5,00,000/- to the credit of the crime number, he has no serious objection for this Court granting anticipatory bail to the petitioner.

5.The learned counsel appearing for the defacto complainant/ intervenor vehemently opposed for grant of anticipatory bail to the petitioner, however, he did not dispute the fact that A23 in the case has already been granted anticipatory bail by this Court and that this petitioner is arrayed as A24.

6.Considering the fact that A23 in the case has already been granted anticipatory bail by this Court and since the petitioner himself, without prejudice to his rights, has come forward to deposit a sum of Rs.5,00,000/- to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of six weeks



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from the date of receipt of a copy of this order, before the learned Judicial Magistrate – I, Poonamallee Court, 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 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) by way of demand draft to the credit of Crime No.172 of 2019, before the learned Judicial Magistrate – I, Poonamallee Court, without prejudice to his defence before the trial Court within a period of six weeks from the date of receipt of a copy of this order, and the learned Judicial Magistrate, after perusing the demand draft, shall accept the sureties furnished by the petitioner. Thereafter, the learned Judicial Magistrate is directed to disburse the amount to the defacto complainant on filing an appropriate undertaking affidavit before the trial Court. If the petitioner succeeds in his case, the defacto complainant shall return the amount to the petitioner, which will be withdrawn by him.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned



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may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two 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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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