



Crl.O.P.No.23508 of 2022

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WEB CO **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 465, 468 and 506(i) IPC in Crime No.269 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are partners from the year 2016. The allegation is that the petitioner, without the knowledge of the defacto complainant had withdrawn an amount of Rs.1,50,000/- from the partnership firm account. Hence, the complaint.

3. The learned counsel for the petitioner would submit that it is a case of partnership dispute, which has been falsely projected as a criminal breach of trust, cheating and forgery. He would also submit that the petitioner had taken a sum of Rs.1,50,000/- from the partnership account and later, the said amount has been deposited in the account of partnership on 26.08.2022. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner being the partner of the defacto complainant, without the consent of him had withdrawn an amount of Rs.1,50,000/- from the partnership account. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. M/s.A.Madhumathi, learned counsel appearing for the defacto complainant would submit that the petitioner had withdrawn an amount of Rs.1,50,000/- from the partnership account and later the said amount has been deposited in the account of partnership.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration the facts and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in



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the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned XIV Metropolitan Magistrate, Egmore, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 one week and thereafter, as and when required for interrogation.

[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

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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 abscond, a fresh FIR can be registered under Section 229A IPC.

31.10.2022

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