



CrI.O.P.No.26116 of 2022

A.D. JAGADISH CHANDIRA, J.,

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The petitioner, who apprehends arrest for the alleged offences under Sections 120(B), 381, 408, 411, 414, 465, 467, 468, 471, 477A, 420 & 201 IPC in Cr.No.178 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per defacto complainant/Dilip Kumar is that the accused and others employed under him had fabricated the invoices and other documents and misappropriated the company's amount to the tune of Rs.92,62,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner is working as sales manager and the other sales representatives sold the medicines to some other company's and received the bill amount, the allegation is that they have created duplicate orders and sold the products in the open market at discounted rate and not repaid the bill amount for the period from 01.02.2022 to 18.05.2022. He would further submit that even as per the FIR, the petitioner stated to have misappropriated a sum of Rs.37,061/- . He would also submit that without prejudice to the petitioner, the petitioner is ready to deposit the said amount of Rs.37,061/- to the credit of crime number.

He would seek for anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) would submit that the petitioner along with other accused have fabricated the invoices and misappropriated a sum of Rs.92,62,000/-. The specific allegation against the petitioner is that he has misappropriated as sum of Rs.37,061/-. He would further submit that the investigation is still pending.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate, Vaniyambadi, on condition that the petitioner shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen 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 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 deposit a sum of Rs.37,061/- to the credit of Cr.No.178 of 2022.

[c] the petitioner shall report before the respondent police daily at 10.30.am for a period of three weeks and thereafter on every Saturday at 10.30.am until further orders.

[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.

With the above directions, this Criminal Original Petition is ordered.

28.10.2022

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