



Crl.O.P.No.29469 of 2022

Crl.O.P.No.29469 of 2022

WEB COPY

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 465, 294(b) and 506(2) of IPC in Crime No.479 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that in the absence and without the knowledge of the defacto complainant, the petitioner and one Murali/A1 have received money from various persons from 2018 to 2020 and made wrong entries in the account of statement. Due to which, the defacto complainant has lost a sum of Rs.49 lakhs. However, A1 started a new company, thereby the petitioner and A1 cheated the defacto complainant. Hence, the case.

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. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of **Rs.5,00,000/- (Rupees Five Lakhs Only)** to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the



Crl.O.P.No.29469 of 2022

petitioner and A1 have worked in the defacto complainant's company.

However, in the absence of the defacto complainant, from 2018 to 2020, the petitioner and A1 have misappropriated a sum of Rs.49 lakhs. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.The learned counsel for the intervenor would submit that the defacto complainant went to his native as his father expired and handed over the entire business operation to A1 and petitioner/A2. However, they have misappropriated the funds of the defacto complainant's company. Due to which, they were terminated from service. To prove the misappropriation, the learned counsel has also produced the copy of the bank statement.

6.Taking into consideration the facts 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



Crl.O.P.No.29469 of 2022

date on which the order copy made ready, before the **learned Metropolitan Magistrate No.X, Egmore** 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 shall deposit a sum of **Rs.5,00,000/- (Rupees Five Lakhs Only)** to the credit of the crime number within a period of two weeks from the date on which the order copy made ready, before the **learned Metropolitan Magistrate No.X, Egmore** and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount on proper identification and acknowledgment;

[b] 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;

T.V.THAMILSELVI,J.

sp

[c] the petitioner shall report before the



WEB COPY



Crl.O.P.No.29469 of 2022

respondent Police on every Tuesday and Friday at 10.30 a.m. for a period of three months;

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

sp

23.12.2022

(2/2)

Crl.O.P.No.29469 of 2022

(2/2)