



Crl.O.P.No.5050 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 408 and 420 of IPC, 1860 in Crime No. 397 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Vijayakumar is that the petitioner is an employee in Pothys Swarna Mahal as a marketing executive, while so, on 07.01.2022, while the defacto complainant on verifying the accounts relating to the gold savings schemes, he found that the petitioner had misappropriated a sum of Rs.9,78,500/- from 6 customers and Rs.2,11,000 from his colleagues. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was earlier granted anticipatory bail by this Court in Crl.OP.No.31489 of 2022 vide order dated 22.12.2022. However, the petitioner was arrested in other Crime Nos.399 and 412 of 2022



Crl.O.P.No.5050 of 2023

registered by the very same respondent police and thereafter, the petitioner was arrested and hence he was unable to furnish sureties as per the earlier order. Now, the petitioner is ready to deposit a sum of Rs.3,00,000/- 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 petitioner had committed theft of the public money and thereby cheated the investors to the tune of Rs.11,00,000/- and this is the second bail application of this petitioner before this Court and the earlier bail application was lapsed for which, the petitioner was unable to furnish sureties. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, the submissions of either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.5050 of 2023

WEB COPY

9. Accordingly, the petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) each, to the credit of Crime No.397 of 2022, within a period of fifteen days from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned District Munsif cum Judicial Magistrate, Pallavaram, 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.

[b] the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.397 of 2022, before the concerned Magistrate, within a period of fifteen days from the date on which



Crl.O.P.No.5050 of 2023

WEB COPY

the order copy made ready.

[c] the petitioner is directed to appear before the respondent police every Wednesday at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;

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

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

[g] 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]***.

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

14.03.2023

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Crl.O.P.No.5050 of 2023

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