



Crl.O.P.No.5657 of 2023

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A. D. JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 of IPC in Crime No.15 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that the accused is an employee of the de facto complainant who is engaged in the business of supplying Poultry Supplementary Feeds and in the course of such business transactions, he had collected money to the tune of Rs.7,91,950/- from four Farms on behalf of the de facto complainant Company but, misappropriated the same instead of depositing it with the de facto complainant Company and when enquired with the petitioner on coming to know about the misappropriation, he had conceded the misappropriation and also executed an undertaking to settle the amount, however, he had not complied with the terms of undertaking and hence, the complaint came to be lodged.



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3. Learned counsel appearing for the petitioner would submit that the payment from the purchasers used to be received through Bank transfers, Demand Drafts and Cheques and not in cash. He would also submit that so far as the allegation against the petitioner is concerned, the supply of poultry feeds was entrusted to a Transport Contractor by name V.Seetharaman, who was engaged by the de facto complainant Company and when the petitioner went for collection, he came to know that the said Seetharaman had not at all supplied the products to the Farms, but, to some other third parties in Kerala and looted the money.

4. The learned counsel for the petitioner would further submit that when the petitioner took the issue to the knowledge of the de facto complainant Company, he was insisted to collect money from the transporter and an undertaking was obtained from the petitioner by the de facto complainant and accordingly, the petitioner had initiated some steps to collect the money by lodging complaints with the police and thereupon, the said transporter gave an undertaking to the de facto complainant on



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23.7.2019 to settle the amount due to the de facto complainant within ten days, however, suppressing those factual aspects, the present complaint has been lodged against the petitioner making him a scapegoat. He would submit that the petitioner is an innocent person and has nothing to with the alleged offence. He would further submit that the petitioner is ready to comply with any condition stipulated by this Court and prays for grant of anticipatory bail to the petitioner.

5. Vehemently opposing for grant of anticipatory bail to the petitioner, learned Government Advocate (Criminal Side) would submit that the petitioner had cheated the de facto complainant to the tune of Rs.7,91,950/- and if he is granted anticipatory bail, there will be every possibility of his absconding from the clutches of law.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record including the FIR and the documents filed along with this petition.



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7. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate, Palladam**, on condition that the petitioner shall execute a separate 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



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identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30 A.M., until further orders.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

9. The Criminal Original Petition is ordered accordingly.

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