



Crl.M.P.No.8691 of 2022
in Crl.O.P.No.2513 of 2022

A.D.JAGADISH CHANDIRA, J.

WEB COPY This Criminal Miscellaneous Petition has been filed seeking to cancel the anticipatory bail granted to the respondents 1 to 3 on 09.03.2022 in Crl.O.P.No.2513 of 2022.

2. The brief facts of the prosecution case as per the *de facto* complainant namely, D.Harikrishnan, Manager of the “Vishal Film Factory” is that the first accused was working as an Accountant, one Sivaganesan was working as an Assistant and one Sarvanan was working as a Cashier. The first accused was in charge of all the accounts and income tax transactions. While so, the first accused along with other accused, by fabrication of documents, falsification of accounts and illegal diversion of funds, had committed criminal breach of trust and misappropriated amount to the tune of Rs.45,00,000/-.

3. The accused/respondents 1 to 3 had filed the applications in Crl.O.P.Nos.10985 & 14001 of 2020 seeking anticipatory bail and this Court had dismissed the same vide orders dated 12.08.2020 and 05.07.2021 respectively. Further, on 09.03.2022, this Court had granted anticipatory bail to the accused in their third application for anticipatory bail in Crl.O.P.No.2513 of 2022, with the



conditions that the first accused is directed to deposit original documents of immovable property either belonging to her or her relatives or friends worth Rs.20,00,000/- (Rupees Twenty lakhs only) to the credit of Crime No.503 of 2020, before the learned XXIII Metropolitan Magistrate Court, Saidapet and also directed all the accused to report before the respondent police on every day for a period of one week and thereafter on every Saturday on 10.30 am, for interrogation until further orders.

4. It is now the case of the petitioner in CrI.M.P.No.8691 of 2022 is that the accused/respondents 1 to 3, after obtaining the anticipatory bail from this Court, have neither surrendered before the learned Magistrate nor complied with the condition of depositing the original documents and also not appeared before the respondent Police for the purpose of interrogation. Thereby, the present petition has been filed seeking to cancel the anticipatory bail granted to the accused/respondents 1 to 3.

5. When the matter was came up for admission, this Court ordered notice to respondents 1 to 3 and also to the counsels who appeared for them at the time of anticipatory bail. The learned counsels who appeared for respondents 1 to 3 at the time of anticipatory bail reported no instruction and thereby, fresh notice was



ordered to respondents 1 to 3. The private notice sent to the address of the accused/respondents 1 to 3 which was given in the anticipatory bail application, was returned stating that no such person in the address. Thereby, at the request of the learned counsel for the petitioner, this Court, by an order dated 21.09.2023 in CrI.M.P.No.15168 of 2023, had directed the petitioner to take notice by substituted service by way of paper publication. Pursuant to which, paper publication was effected on 27.09.2023 in the vernacular newspaper Dinathanthi and thereafter, Affidavit of Service has been filed.

6. When the matter was listed on 01.11.2023, despite the service of notice by publication and printing the names in the cause list, there is no representation for respondents 1 to 3 and thereby, the matter was directed to be listed today under the caption “for orders”.

7. Learned counsel for the petitioner/*de facto* complainant submitted that this Court, while granting anticipatory bail to the accused/respondents 1 to 3, had directed the first accused to deposit the original documents of immovable property either belong to her or her relatives or friends worth Rs.20,00,000/- (Rupees Twenty lakhs only) to the credit of Crime No.503 of 2020, before the learned XXIII Metropolitan Magistrate Court, Saidapet and also directed all the accused to report



before the respondent police on every day for a period of one week and thereafter, on every Saturday on 10.30 am, for interrogation until further orders. Whereas, the accused/ respondents 1 to 3 have neither surrendered and executed sureties before the learned Magistrate nor complied with the condition of depositing the original documents and also not appeared before the respondent Police for the purpose of interrogation. Thereby, the accused have violated the order passed by this Court. Therefore, he prayed to cancel the anticipatory bail granted to the accused.

8. The learned Government Advocate (Crl.Side) appearing for the respondent Police, on instructions submitted that it has been found that the accused/respondent 1 to 3 had neither surrendered and executed sureties before the learned Magistrate nor comply with the condition of depositing the original documents and also not appeared before the respondent Police for interrogation. He further submitted that the respondent Police have also visited the address given by the accused in the anticipatory bail application, wherein it was found that the accused are not present at the address and they are absconding. Hence, he prayed that suitable orders may be passed.

9. Heard the learned Counsels appearing on both sides and perused the



materials available on record.

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10. The accused/respondents 1 to 3 are charged for offences Sections 408, 420, 465, 468, 471 and 477A of IPC and the allegations against them is that they had committed criminal breach of trust and misappropriated amount to the tune of Rs.45,00,000/- in the petitioner/de-facto complainant's company. This Court while granting anticipatory bail to the accused in CrI.O.P.No.2513 of 2022 vide order dated 09.03.2022, had directed the first accused to deposit the original documents of immovable property either belong to her or her relatives or friends worth Rs.20,00,000/- (Rupees Twenty lakhs only) to the credit of Crime No.503 of 2020, before the learned XXIII Metropolitan Magistrate Court, Saidapet and also directed all the accused to report before the respondent police on every day for a period of one week and thereafter on every Saturday on 10.30 am, for interrogation until further orders. It is now reported that the accused/respondents 1 to 3 have not complied with the order and they have violated the conditions imposed by this Court.

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11. In view of the above facts and the change of circumstances, this Criminal Miscellaneous Petition is allowed and the order of anticipatory bail granted to the petitioner on 09.03.2022 stands cancelled. The Respondent Police is directed to take appropriate steps.

03.11.2023

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