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Crl.O.P.No.11685 of 2023

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**K.KUMARESH BABU, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections **409 of IPC** in Crime No.391 of 2009, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution is that the petitioners along with other accused persons misappropriated to the tune of Rs.16,97,154/- from the TASMAL shop No. 8872 at Thiruverkadu. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not indulged in any such act and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.



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4.The learned Government Advocate [Criminal Side] submitted that the the petitioner along with other accused persons misappropriated to the tune of Rs.16,97,154/- from the TASMAL shop No. 8872 at Thiruverkadu. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also the fact that this case is of the year of 2009. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.2, Poonamalle**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, one among the surety shall be a blood relative of the accused, 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



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for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall appear before the respondent police on every Saturday and Sunday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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**K.KUMARESH BABU, J.**



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