



Crl.O.P.No.17363 of 2023

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T.V.THAMILSELVI, J.

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 420 and 120(B) of IPC, in Crime No.9 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a company under the name and style of Rajasthan Trailer Transport and Sukhlal Choudhary & Brothers and they are maintaining Current Account in ICICI Bank for business purpose. While being so, the petitioner herein who were the close relatives of the defacto complainant said to have joined in the above said company for maintaining the business in Chennai. It is further alleged that the petitioner has cheated the defacto complainant by fabrication of the document and misappropriated the funds to the tune of Rs.3 Crores. Hence, the case.



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3. The learned counsel for the petitioner submitted that the petitioner is an innocent person. He further submitted that there is no specific overt act against the petitioner. The petitioner is only the Brother-in-law of A1, who is supervisor in the defacto complainant apart from that this petitioner is no way connected with A1 and A2 and never indulged any king of misappropriation of funds in the defacto complainant company and A1 transferred the amount to the account of the petitioner for distributing the salary to the employee of the company. Hence, he prays for granting anticipatory bail to the petitioner/A3.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner who was the close relatives of the defacto complainant joined in the defacto complainant's company and fabricated the documents and misappropriated the funds to the tune of Rs.3 Crores. He also submitted that 41A notice has been served against the accused persons, A3 not appeared, A1 and A2 were arrested and released on bail. The amount misappropriated in this case is more than 3 crores but the property attached for only 1 crore rupees belongs to A1 and a sum of



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Rs.44 lakhs has been frozen from the account of A1 and a sum of Rs.27,21,000/- has been transferred from the account of A1 to this petitioner. The investigation is almost completed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police and perused the materials available on record.

6. Considering the facts and circumstances, co-accused persons have been released on bail and rupees one crore worth of property has been attached in Crime No.9 of 2023 belongs to A1, and the investigation almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five lakh only) to the credit of Crime No.9 of 2023, within a period of two weeks 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 her appearance, before the



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learned Judicial Magistrate-I, poonamallee, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, out of which one surety must be a blood related surety, 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.5,00,000/- (Rupees Five lakh only) to the credit of Crime No.9 of 2023, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police on every Tuesday and Friday at 10.30 a.m., for a period of two months and thereafter as and when required for interrogation.



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

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