



Crl.O.P.No.18275 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406 and 506(i) of IPC in Crime No.Not Known of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was working in the de-facto complainant's mobile shop and he took Rs.5,47,000/- manipulated in the accounts and cheated the de-facto complainant thereby committed the offence. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the complaint given by the de-facto complainant was registered in Crime No.239 of 2023 for the offence



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under Sections 406 and 506(i) of IPC. He misappropriated a sum of Rs.6,45,000/- of the de-facto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6.Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, **petitioner is directed to deposit 75% of misappropriated fund for a sum of Rs.6,45,000/- which comes around (Rs.4,90,000/-) to the credit of Crime No.239 of 2023, within a period of three weeks from the date on which the order copy made ready**, and on such deposit the petitioner is ordered to be released on bail



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in the event of arrest or on his appearance, before the **Judicial Magistrate Court, Sathyamangalam**, on condition that each of the petitioner shall execute a separate 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 75% of misappropriated fund for a sum of Rs.6,45,000/- which comes around (Rs.4,90,000/-) to the credit of Crime No.239 of 2023, before the concerned Magistrate, within a period of three 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 everyday at 10.30 a.m., until further orders.



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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 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]***.

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

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