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Crl.O.P.No.20247 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 419, 420, 511 of IPC in Crime No.19 of 2023, seeks anticipatory bail.

2.It is stated that the defacto complainant and nine others had started a Trust in the name of Sri Panimalar Educational and Charitable Trust. The petitioner was appointed as the treasurer. There were new trustees who had come in and new members who had come in and they started to purchase a property to an extent of 3.75 acres and then they had also mortgaged the property. They started a school and appointed as Principal, the wife of the Chairman of the Trust / defacto complainant.

3.It is contended that the petitioner herein, had committed the offences under Sections 419, 420 and 511 of IPC by transferring back the amounts paid or transferred to the account of the Principal, which were three sums of Rs.45,000/- each and transferred back into a separate



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account opened by the petitioner herein. By a preliminary investigation, it is stated that the petitioner had so transferred a sum of Rs.1,30,000/-.

4.It is contended on behalf of the respondent that substantial further investigation will have to be done.

5.It is contended on behalf of the intervenor that the amount of Rs.1,30,000/- is only a tip of the iceberg and it is more than about Rs.10,00,000/-, which will have to be examined during the course of investigation.

6.To enable investigation and to ensure that the petitioner cooperates during the course of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain condition.

7. Accordingly, **the petitioner is directed to deposit a sum of**



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Rs.1,30,000/- (Rupees One Lakh Thirty Thousand) to the credit of Crime No.19 of 2023 within a period of two weeks from the date of receipt of a copy of this order. Let the amount remain in the deposit and if ultimately, the petitioner would acquitted it can be returned back to him, if the petitioner is convicted it can be paid back to the defacto complainant or to the Trust / Sri Panimalar Educational and Charitable Trust. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court – VI, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh 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



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and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily 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 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]**.

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

17.10.2023

smv

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