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CrI.O.P.No.21343 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.5 of 2023 registered for an offence under Sections 120(b), 418, 420, 465, 467, 468 and 471 IPC.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.side) appearing for the respondent.

3.It is the case of the respondent that the de facto complainant, a Company called ESCO GLOBAL in the business of procuring Vegetables and Fruits in wholesale and selling in retail had contractual agreement with A1 and in the course of that particular agreement, A1 appears to have received an advance amount of Rs.1,80,08,000/-. For reasons known to A1, he had split up that particular amount into three separate amounts and had deposited, Rs.99,00,000/- to the account of A3, Rs.30,00,000/- to the account of A4 and Rs.51,08,000/- to the account of A5. The petitioner herein is A5.

4.It is contended that however on the entire amount so deposited in the account of A3, A4 and A5 had been re-credited to the account of A2/ wife of A1. The learned counsel states that A1 had been granted bail consequent to the



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fact that the respondent has not filed a charge sheet within the stipulated time and A2, in whose account finally a sum of Rs.1,80,08,000/- had been deposited had been granted anticipatory bail. In view of all these facts, anticipatory bail is also granted to the petitioner herein also particularly because the learned counsel states that the petitioner had answered the notice issued under Section 41-A of Cr.PC and had participated in the enquiry with the respondent.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 **Judicial Magistrate, Gudiyatham**, on condition that the petitioner shall execute a 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:55

[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



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Bank pass Book to ensure their identity.

[b] the petitioner to appear before the respondent police **every day at 10.30 a.m, for a period of three weeks** and thereafter as and when required for interrogation.

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

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