



Crl.O.P.No.25801 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/third accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 409 & 420 of IPC in Crime No.403 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant / Iyannar, who is working as a Branch Manager in Madhura Micro Finance Private Limited, Sankarapuram Branch, is that the accused had cheated the company, by misappropriating a sum of Rs.18,26,064/-, which was collected from 672 members. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was working only as a collection agent in the defacto complainant's company and he has deposited all the collection amount, whereas, due to the shortage of funds in the finance, the defacto complainant had given a false complaint as against the petitioner and others, as if, the petitioner along with others have misappropriated the amount. He also submitted that the other two co-accused had been granted bail by this Court in Crl.O.P.No. 9401 of 2023 vide order dated 27.04.2023 and Crl.O.P.No. 9525 of 2023, order dated 28.04.2023. He further submitted that the petitioner is also ready to



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abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused jointly had misappropriated the company's amount to the tune of Rs.18,26,064/- which was collected from 672 members. He further submitted that investigation in this case is still pending and also submitted that no previous case is pending as against the petitioner, however, he vehemently opposed for grant of bail to the petitioner.

5. In view of these particular facts, 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, Sankarapuram, 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:



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[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 is directed to deposit a sum of Rs.50,000/- to the credit in Cr.No. 403 of 2022 within a period of two weeks which amount shall be retained by the learned Judicial Magistrate, Sankarapuram, in fixed deposit and final order shall be passed on conclusion of trial . By depositing of the said amount, it does not mean that the petitioner admits to the allegations in the FIR.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.



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[f] 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]**.

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

06.12.2023

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