

Crl.O.P.No.32262 of 2022

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T.V.THAMILSELVI, J.

The petitioners, who apprehends arrest for the alleged offence under Sections 408,465,468 r/w 34, 120(b) of I.P.C in Crime No.60 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are employees of Sathyabama Deemed University and they are in possession of the original deeds of the subject property belonging to the said University. While so some unknown persons attempted to take possession of the subject property on the premise that the first petitioner have intended to do so. On enquiry it was found that the original documents of the subject property was missing and when the same was questioned by the defacto complainant to the first petitioner he is giving evasive reply and not coming forward to furnish true and correct state of affairs. The further case of prosecution is that the petitioners have misused the institution funds and indulged in gross abuse of their position and thereby cheated the said institution. In order to trace the original documents the defacto complainant who is the authorised power agent of the subject property has filed the present complaint.



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3. The learned counsel appearing for the petitioners would submit that there was a dispute between the legal heirs of the subject property due to which a false complainant has been foisted against the petitioners and the petitioners are innocent and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor vehemently opposed for grant of bail by stating that the petitioners are not showing the true state of affairs about the original documents of the subject property, which results in the further progress of the institution.

5. The learned Government Advocate (Crl.Side) submitted that the petitioners along with other accused who are employees of the said educational institutions misused the funds of the institution and also by stealing the original title deeds which resulted in mismanagement of institutions. He further submits that investigation is almost completed. Hence, he opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and also the submissions made by the both counsel and also the fact that investigation



was almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Chief Metropolitan Magistrate Court at Egmore** on condition that the petitioners shall execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh Only) each** 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) **the petitioners shall report before the respondent police every Wednesday at 10.30a.m., for a period of two months and thereafter, appear before the trial Court on all hearing dates.**



(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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