



CrI.O.P.No.31581 of 2022

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence punishable under Sections 406, 420 of IPC in Crime No.543 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that One Kavitha working as a CEO at Chennais Amirtha International Institute of Hotel Management and they used to send their students for training to five star hotels for which they will provide incentives as Rs.650/- per student. From 01.03.2022 to 05.03.2022 the management sent 157 students to ITC Hotel and they received around Rs.1,02,050/- from that star hotel. The said incentive was paid to 81 students and the remaining amount for 76 students was kept with the managerial staff (Divakar) to the tune of Rs.50,000/-. Since the holidays were declared due to corona thereafter the petitioner and One Jagadeesh received the said amount for audit purpose from Divakar and did not return the said amount. Hence the complaint.

3. The learned counsel appearing for the petitioner submit that the



Crl.O.P.No.31581 of 2022

petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that incentive was paid to 81 students and the remaining amount for 76 students was kept with the managerial staff one Divakar to the tune of Rs.50,000/-. Since the holidays were declared due to corona thereafter the petitioner and One Jagadeesh received the said amount for audit purpose from Divakar and did not return the said amount. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel, and investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.



Crl.O.P.No.31581 of 2022

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned Judicial Magistrate-II, Chengalpattu** 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:

[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 report before the respondent police on every Saturday at 10.30 a.m., for a period of six weeks and thereafter as and when required for interrogation.

[c] the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.543 of 2022 before the concerned Magistrate, at the time of furnishing sureties and the learned trial Judge shall



Crl.O.P.No.31581 of 2022

disburse the amount to the defacto complainant on undertaking affidavit.

[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.

[f] 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];**

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

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Crl.O.P.No.31581 of 2022

T.V.THAMILSELVI, J.

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Crl.O.P.No.31581 of 2022

06.01.2023