



Crl.O.P.No.28751 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 420 and 506(1) of I.P.C, in Crime No.532 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the owner of a theatre at Cuddalore. The petitioner herein is working in the canteen of the theatre and the learned counsel states that he had been working for about 15 years. A1 was the Manager of the theatre. It is stated that he is alleged of misappropriation of amounts in the canteen and the petitioner herein had diverted the said amount to the account of A1. Hence the case.

3.The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.Taking into consideration all the facts this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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5. Accordingly, the petitioner is directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.532 of 2023 before the learned Judicial Magistrate No.II, Cuddalore** and on such deposit, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Cuddalore and on further conditions 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 shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.532 of 2023 before the Judicial Magistrate No.II, Cuddalore.

[c] The Judicial Magistrate may deposit the amount in interest being fixed deposit and retain the amount into Court deposit and on the finality of the trial, if it ends in acquittal, return the amount to the petitioner herein and if it is ends in conviction, paid back the same to the de-facto complainant.

[d] the petitioner shall report before the



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respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

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

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

[g] 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]**.

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

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