



Crl.O.P.No.27670 of 2023

C.V.KARTHIKEYAN, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 420, 465, 477(A) and 506(1) of I.P.C, in Crime No.172 of 2023 on the file of the respondent police seeks anticipatory bail.

2.It is stated that the petitioner was originally employed as Supervisor in the year 2016 in de-facto complainant company namely 'M/s.Bhoomi and Buildings Private Limited'. At that time he had authority to employ daily wage workers to do the construction work. Subsequently in 2020 his post had been elevated and he had also authority to disburse the salary.

3. The learned counsel for the petitioner stated that there is no permanent employment and workers would come on rotational basis to do the construction work. It is also contended that not all of them will have any bank accounts. The petitioner is therefore said to have ensured that the salary paid to the workers were deposited in the accounts of those who had already been dismissed or who are not in employment and that then this salary had been withdrawn.



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4. It is also contended that he had withdrawn money to and created a fixitious list of workers and had taken away for a sum of Rs.30 lakhs from the de-facto complainant.

5. The learned counsel stated that he would produce receipts but later also stated that he would deposit a sum of Rs.10 lakhs. But it would only be appropriate that the deposit at least 50% of the amount to be paid.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, **petitioner is directed to deposit a sum of Rs.18,00,000/- (Rupees Eighteen Lakhs only) to the credit of crime No.172 of 2023 before the concerned Magistrate court, failing which, the anticipatory bail shall stand dismissed**, 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 **learned IXth Metropolitan Magistrate Court, Saidapet, Chennai**, on condition that the petitioner shall execute a separate 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 shall deposit a sum of Rs.18,00,000/- (Rupees Eighteen Lakhs only) to the credit of crime No.172 of 2023 before the concerned Magistrate court on or before 12.0.2024, failing which, the anticipatory bail shall stand dismissed;

[c] Thereafter, the learned Metropolitan Magistrate-IX, Saidapet, Chennai may identify the workers who not received salary at all and get that list from the de-facto complainant and disburse the amount to the extent possible. If the amount had been taken away by the petitioner and those names could be identified then that amount could be handed over back to the de-facto complainant.

[d] the petitioner shall report before the



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respondent Police, everyday at 10.30 a.m., until further orders;

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

[f] the petitioner shall not abscond 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 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]**.

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

15.12.2023

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