



CrI.O.P.No.3514 of 2024

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C.V.KARTHIKEYAN, J.

The Petitioner seeks anticipatory bail in Crime No.404 of 2023 registered by the respondent police for the offences under Sections 294(b), 486 and 506(1) IPC.

2. The learned Government Advocate (Criminal Side) stated that the defacto complainant and 6 others including this petitioner had started a partnership firm called “Meenatchi Enterprise” dealing with contracts with BHEL. This was in the year 2004. Thereafter, there has been reconstitution in the partnership and some of the partners had retired and some had continued with the firm.

3. It is the allegation against the Petitioner that he had misused a cheque and had misappropriated a sum of Rs.37,90,500/- (Rupees Thirty Seven Lakhs Ninety Thousand and Five Hundred only) from the partnership firm and had transferred the amount to his personal account.

4. This Court had directed the parties to appear before the



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respondent. A report has now been filed, wherein, it is stated that the petitioner claimed that his capital is a sum of Rs.49,69,221/- (Rupees Forty Nine Lakhs Sixty Nine Thousand Two Hundred and Twenty One only) and therefore, he had only adjusted that with a sum of Rs.37,90,500/- (Rupees Thirty Seven Lakhs Ninety Thousand and Five Hundred only) taken by him. It is also stated that a suit has also been filed.

5. Taking these factors into consideration and also considering the statement in the counter affidavit that the statements of nine witnesses had been recorded, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions. 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 learned Judicial Magistrate Court – II, Walajapet**, 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 conditions



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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 report before the respondent police daily at 10.30 a.m., until further orders.

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

[d] the petitioner 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 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]**.



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

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