



Crl. O.P. No.19907 of 2024

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P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 408, 409 and 420 of IPC in Cr. No.45 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that Dr. Prasanna Sivanandam, the Dean of the institution namely Saveetha School of Management and Rambabu, an Assistant Professor, have involved in a serious financial fraud amounting to over Rs.1 crore and 58 lakhs and both have solicited sums of money from the students under the pretext of securing their admissions. However, these funds have not been duly paid to the institution and the money collected was taken in cash and used to purchase two houses and a villa registered in Dr. Prasanna Sivanandam's name. There are multiple transactions showing the transfer of funds from the students to the personal accounts of Dr. Prasanna Sivanandam, her husband and her son. Hence the case.

3.The learned counsel for the petitioner would contend that the defacto complainant lodged a false complaint and based on her complaint,



Crl. O.P. No.19907 of 2024

the respondent police have registered the case under Sections 408, 409 and 420 of IPC, that the petitioner is an innocent and he has not committed any offence as alleged by the defacto complainant, that he is no way connected with the commission of the offences and the petitioner is the son of Dr. Prasanna Sivanandam and she already moved an anticipatory bail and the same was granted in her favour, that the petitioner is not a named accused and therefore, he prays for the grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the main accused Dr. Prasanna Sivanandam along with one Rambabu, indulged in misappropriation of funds and this petitioner is none other than the son of the main accused Dr. Prasanna Sivanandam, that the misappropriated funds were utilized by this petitioner and the husband of the main accused A1 and the investigation in this case is at initial stage and the amount involved in this case, is not yet recovered and hence he strongly opposed to grant anticipatory bail to the petitioner.

5.Heard both sides and perused the materials available on record.

6.Considering the rival submissions putforth on either side and considering the fact that the petitioner is not a named accused, that the



Crl. O.P. No.19907 of 2024

allegations are levelled only against A1 and A2, that the co-accused were released on anticipatory bail by this Court and also considering the fact that no previous case is pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. 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 No.I, Poonamallee** on condition that the petitioners shall each 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every day at 10.00 a.m. until further orders.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



Crl. O.P. No.19907 of 2024

[c] the petitioner shall not leave India without the previous permission of the Court;

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

28.08.2024

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P.DHANABAL,J

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To



CrI. O.P. No.19907 of 2024

1.The Judicial Magistrate No.I, Poonamallee

2.The Inspector of Police, Entrustment Document Fraud (EDF)-I Wing,
Central Crime Branch, Avadi, Tiruvallur District.

3. The Public Prosecutor, High Court, Madras.

CRL O.P. No.19907 of 2024

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