



Crl.O.P.No.23260 of 2024

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WEB C **P.DHANABAL, J.**

The petitioner apprehends arrest for the alleged offences under Section 408, 477A, 120B of Indian Penal Code and Section 66 of IT Act in Crime No.299 of 2019, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is during 2019 there had been a discrepancy in the Pharmacy department of the hospital and a complaint was lodged at Central Crime Branch against few of the hospital employees for malpractice to a tune of Two Crore Ninety Six lakhs.

3. The learned counsel appearing for the petitioner would contend that respondent police has registered FIR for the offence under Sections 408, 477A, 120B of Indian Penal Code and Section 66 of IT Act. In fact, this petitioner was only in charge of the hospital, not for the Pharmacy. The alleged offence took place only in the Pharmacy branch. Already the petitioner was arrested in another case in Crime No. 42 of 224 and thereby he was released on bail. This petitioner is no way connected with the above said Pharmacy. Therefore, he prays to grant anticipatory bail to the



CrI.O.P.No.23260 of 2024

petitioner.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that this petitioner is totally in charge of the hospital. This petitioner along with other accused misappropriated the funds of the hospital for the tune of Rs.30 lakhs and investigation in this case is not yet completed. Therefore, he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and already FIR has been registered as against the petitioner in another crime No. 42 of 2024 for the occurrence took place in the year 2014 and thereafter again this FIR is registered in the year 2019 and also no specific overtact against the petitioner and already notice under Section 41A of Cr.P.C was issued to the petitioner and he also appeared before the Inspector Cyber Crime Central Crime Branch and also considering other aspects, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.



Crl.O.P.No.23260 of 2024

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[a] the petitioner shall report **before the respondent police daily at 10.30 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 of the Court or to any police officer.

[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.



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CrI.O.P.No.23260 of 2024

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] 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]***.

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

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Crl.O.P.No.23260 of 2024

P.DHANABAL, J.

nsI

Crl.O.P.No.23260 of 2024

19.10.2024