



Crl.O.P.No.24226 of 2023

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T.V.THAMILSELVI, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 408, 406, 420, 120B of IPC in Crime No.141 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner was employed as Product Head in the defacto complainant company, who served from 02.08.2018 till 10.02.2022 and during his services, he was in charge of promoting various house hold products through the vendors of the defacto complainant. It is alleged that the first petitioner had received a referral commission to a tune of Rs.71,60,919/- which had been alleged to be deposited in the bank accounts of the petitioners 2 and 3. Hence, this case.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the



defacto complainant company had a change of management, since it was taken over by Manapuram Finance Limited. After the take over, the management were taking steps to oust the employees earlier appointed in the defacto complainant company. Further, the first petitioner filed a suit against the defacto complainant for claiming terminal benefits. Aggrieved over the same, the defacto complainant foisted a false case against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the first accused tied up with many vendors and collected a sum of Rs.71,60,919/- and deposited the same in the accounts of the petitioners 2 & 3 who are A2 and A3. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the intervener submitted that the first petitioner swindled the amount of Rs.71,60,919/- from the defacto complainant company. The petitioners 2 and 3 who are the family



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members of the first petitioner also colluded with him and committed the offence.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side and also the fact that since all the allegations are from the year 2018 onwards, there is no possibility of tampering the evidence at this stage, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are directed to **deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) each, to the credit of the Crime No.141 of 2023**, within a period of three weeks from the date of receipt of a copy of this order and on such deposit and production of proof, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance before the **learned Metropolitan Magistrate for CCB cases and CBCID Metro Cases, Egmore** on condition that the petitioners shall execute a separate bond for a sum of



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Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners 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 first petitioner is directed to report before the respondent police on every Tuesday at 10.30 a.m., for a period of twelve weeks and thereafter, as and when required for interrogation. The second and third petitioners are directed to appear before the respondent police as and when required for interrogation.

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

[d] the petitioners 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 petitioners in accordance with law as if



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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];**

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

7. Further, this Court is of the opinion that if the matter is referred to mediation, there may be a likelihood of settlement between the parties. Therefore, **Mr.T.Sai Krishnan**, is appointed as a Mediator and both the petitioners and the defacto complainant are directed to appear before the Mediation and Conciliation Centre, Chennai, **on 19.06.2024 for three sittings**, and settle the issue between them without fail.

11.06.2024

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