



Crl.OP.No.25450 of 2023

Crl.O.P.No.25450 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner/A2 seeks anticipatory bail in Crime No.43 of 2020 registered by the respondent police for the offences punishable under Sections 403, 408 and 420 of IPC.

2. The matter came up for consideration earlier on 04.01.2024. This Court had directed that the petitioner should appear for enquiry, if notice is issued under Sections 41A of Cr.P.C. Accordingly, the petitioner and also A1, A3 and A5 also appeared before the respondent police and had given statements. Status report had also been filed by the respondent police.

3. It is the case of the prosecution that the defacto complainant had lodged a complaint that their company is doing foreign exchange business after obtaining licence from the Reserve Bank of India. It is stated that there was a shortage of Rs.32,00,000/-

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4. It is the case of the defacto complainant that the accused had misappropriated the said amount. It is the stand of the petitioner herein that he had collected the money from travel agents around his area and had handed the foreign currency to A1 who should have handed over the said money to the defacto complainant, but, A1 had taken away the money. A1 had given a statement that pointing the finger at the other accused. It must be stated that the complaint had been lodged in the year 2020 and more than three years have gone by.

5. Taking into consideration that the petitioner had actually participated in the enquiry, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. 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 Metropolitan Magistrate Court-XIV, Egmore, Chennai* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten**



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Thousand only) with two sureties, 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 report before the respondent police every day at 10.30 a.m for a period of two weeks and thereafter as and when required for investigation.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be



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registered under Section 229A IPC.
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22.01.2024

Vv

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Vv

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22.01.2024