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Crl.O.P.No.28881 of 2023

C.V.KARTHIKEYAN, J.

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 34, 120B, 408, 409, 420 and 477A of IPC in Crime No.2 of 2020, seeks anticipatory bail.

2. This is the third anticipatory bail application. The occurrence had taken place in the year 2018.

3. It is the case of the prosecution that all the accused persons, who are totally 16 in numbers, had totally misappropriated a sum of Rs.92,85,559/- from the Anna Auto Drivers Industrial Co-operative Society. The said Society sells fuel by having a Petrol Bunk at Royapettah High Road, which is a busy Petrol Bunk. Sales are enormous. So far as the petitioner is concerned, it is specifically alleged that A-3 Joint Director (Cost Accounting) had misappropriated a sum of Rs.49,584/-.



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4. The learned counsel for the petitioner states that independent surcharge proceedings had been initiated and orders have also been passed. That would be an order for recovery of money. Independent disciplinary action can be initiated and independent disciplinary proceedings and criminal proceedings can also be launched. The present issue is about lodging of complaint and registration of FIR.

5. It is stated that since the other accused had been granted anticipatory bail except this petitioner, on condition to deposit the amounts which had been stipulated against them. The learned counsel insisted that the anticipatory bail may be granted to this petitioner also.

6. Taking into consideration all the factors, this Court is inclined to grant anticipatory bail to the petitioner with certain 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



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Judicial XI Metropolitan Magistrate, Saidapet, 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 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 is directed to deposit a sum of Rs.50,000/- to the credit of Cr.No.2 of 2020 pending before the learned Judicial XI Metropolitan Magistrate, Saidapet on or before 24.01.2024.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further order.

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

[e] the petitioner shall not abscond either during investigation or trial.



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

04.01.2024

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