



Crl.O.P.No.28266 of 2023

WEB COPY

Crl.O.P.No.28266 of 2023

C.V.KARTHIKEYAN, J.

The Petitioner seeks anticipatory bail in Crime No.962 of 2023 registered by the Respondent Police for the offences under Sections 420 and 408 IPC.

2. It is the case of the prosecution that the defacto complainant was running a company called “A R Tours and Travels”. The petitioner was the Accountant in the said company. It is the specific allegation that the Petitioner had created additional employees and had paid salaries for them and later had got back the salaries paid from those persons who are not actually employees and benefited to a sum of Rs.31,50,566.99/- and conversely, the defacto complainant chose to lose that amount.

3. It was only later, that the defacto complainant came to know about it, when he received a notice from the Income Tax Department calling upon him to pay taxes for a sum of Rs.60,00,000/- (Rupees Sixty Lakhs only).



Crl.O.P.No.28266 of 2023

WEB COPY

4. The learned counsel for the Petitioner however claimed that these individuals to whom the salaries had been diverted were actually employees and also contended that the defacto complainant should be aware about who are the actual employees and further contended that when the salaries are paid to the employees, OTP (One Time Password) would come over to the mobile phone and therefore, the offence as alleged could never have happened.

5. The learned Government Advocate (Criminal Side) however disputed the statement and stated that the Petitioner had brought his friends about 5 to 6 of them and had started crediting salaries to them though they were not employees of the company and later, had got back the amount that was so credited to their accounts and was able to be benefited to a sum of Rs.31,50,566.99/-.

6. During the course of earlier hearing of this case, this Court wanted a report about further investigation to be done about those 5 individuals to whom salaries had been credited and to determine whether they were actually an employees or not. A counter affidavit had been filed on



Crl.O.P.No.28266 of 2023

behalf of the Respondent, wherein, it is stated that statements had been recorded from those 5 persons who admitted that they were utilized by the Petitioner herein and their bank accounts had been opened in their name and salaries had been credited and later, they had paid back the salaries to the Petitioner herein.

7. The entire aspect is quite complicated and realizing that, the learned counsel for the Petitioner stated that any strict condition can be imposed and that it is only balancing of accounts.

8. The learned counsel stated that a sum of Rs.5,00,000/- (Rupees Five Lakhs only) will be deposited but it only be appropriate that **the Petitioner would deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.962 of 2023 before the learned Judicial Magistrate No.II, Alandur on or before 29.02.2024 and on such deposit, the learned Judicial Magistrate No.II, Alandur may transfer the said amount to the interest earning Fixed Deposit account and pass final orders on conclusion of trial.**



CrI.O.P.No.28266 of 2023

WEB COPY

9. On the above said condition, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions that **the Petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.962 of 2023 before the learned Judicial Magistrate No.II, Alandur on or before 29.02.2024 and on such deposit, the learned Judicial Magistrate No.II, Alandur may transfer the said amount to the interest earning Fixed Deposit account and pass final orders on conclusion of trial.** 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 Judicial Magistrate – II, Alandur**, 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 conditions that :



Crl.O.P.No.28266 of 2023

WEB COPY

[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 deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.962 of 2023 before the learned Judicial Magistrate No.II, Alandur on or before 29.02.2024 and on such deposit, the learned Judicial Magistrate No.II, Alandur may transfer the said amount to the interest earning Fixed Deposit Account and pass final orders on conclusion of trial.

[c] the petitioner shall report before the Respondent Police daily at 10.30 a.m., until further orders.

[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.

[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



CrI.O.P.No.28266 of 2023

WEB COPY

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.

31.01.2024

mkn2



WEB COPY



Crl.O.P.No.28266 of 2023

C.V.KARTHIKEYAN, J.
mkn2

Crl.O.P.No.28266 of 2023

31.01.2024