Crl. O.P. No.30078 / of 2024

P. DHANABAL.J.,

The petitioner / accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 409, 403, 120-B and 420 of IPC in connection with the Cr. No.441 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that A1 to A3 were working in the defacto complainant's company namely T.G. Architects and Construction in the capacity of Manager, Accountant and Site Engineer respectively and the company accounts were maintained by the accused persons. While so, the accused colluded with each other and misappropriated the company amount to the tune of Rs.29,49,675/- and when the defacto complainant questioned the same, the accused threatened him with dire consequences. Further during the course of investigation, it came to know that A1 transferred company amount of Rs.2,75,000/- and Rs.1,20,000/- from his account to the account of A4, who is the husband of A3. Hence all the accused colluded with each other and misappropriated the amount to the tune of Rs.29,49,675/- from the defacto complainant's company. Hence the case.

3. The learned counsel for the petitioner would contend that the

respondent police have registered a false case as against this petitioner for the alleged offences under Sections 409, 403, 120-B and 420 of IPC. In fact, the petitioner is not a named accused in the FIR and as per the complaint given by the defacto complainant, this case has been registered and his wife is one of the accused and she is arrayed as A3 and she was granted anticipatory bail on payment of Rs.4 lakhs to the defacto complainant by way of demand draft. A1 transferred a sum of Rs.6,25,000/- to the petitioner's wife account on his own without her knowledge and the petitioner's wife returned the same amount to A1's account. This petitioner has been implicated in this case by the respondent police as he has joint bank account with his wife/A3. The petitioner is an innocent and he is no way connected with the offence as alleged by the prosecution and hence he may be released on anticipatory bail.

4. The learned Government Advocate (Criminal Side) would submit that based on the complaint given by the defacto complainant as against the accused alleging that all the accused who were working in the defacto complainant's company, colluded with each other and misappropriated the company amount to the tune of Rs.29,49,675/- and hence the case was registered by the respondent police as against the accused persons.

Investigation reveals that this petitioner is the husband of A4 and A1 has transferred the company amount of Rs.2,75,000/- and also Rs.1,20,000/- from his account to this petitioner/ A4. He has also participated in the commission of the offences in collusion with other accused. Investigation is not yet completed and hence strongly opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offences, considering the fact that already co-accused were released on bail and even according to the prosecution, A1 who was the Manager of the defacto complainant's company, transferred the amount to the account of this petitioner and this petitioner is a joint account holder with his wife A3 and apart from the above, there is no any direct connection between the petitioner and A1, A3, wife of A4, was only working as Cashier in the defacto complainant's company and already she was granted anticipatory bail by this Court and also considering the fact that there is no previous case pending against this petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.2, Alandur o**n condition that the petitioners 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 learned Magistrate concerned and on further condition that:

[a] the petitioner **shall report before the respondent police on every Saturday at 10.00 for a period of 4 weeks and thereafter as and when required by the respondent police for interrogation.**

[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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[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.

[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

04.12.2024

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P.DHANABAL,J
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To

1.The Judicial Magistrate No.2, Alandur

2. The Public Prosecutor, High Court, Madras.
3.The Inspector of Police, T14 Pallikaranai Police Station, Chennai.

CRL O.P. No.30078 of 2024

04.12.2024