



Crl.OP.No.29070 of 2023

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C.V.KARTHIKEYAN,J.

The petitioners/A1 to A3 in Cr.No.66 of 2023 registered by the respondent police for the offence punishable under Sections 406 and 420 of IPC seeks anticipatory bail.

2. The first petitioner was working as a Pay Roll Staff in M/s.South India Textile Research Association from the year 2020. It is stated that he had misappropriated the funds to the tune of Rs.1,34,00,000/- . The petitioners are his wife, brother and father.

3. The learned counsel for the petitioners stated that even in the first information report, it had been stated that the accused had returned back a sum of about Rs.39,00,000/- and had failed to return back the balance amount. If it is a question of return of amount then, the defacto complainant also an obligation to tender admissible evidence to ensure that the prosecution establishes the case beyond reasonable doubt.



Crl.OP.No.29070 of 2023

WEB COPY

4. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate, Coimbatore* on condition that the each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten 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 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.



CrI.OP.No.29070 of 2023

[b] the petitioners shall jointly deposit a sum of Rs.20,00,000/- (Rupees Twenty lakhs only) to the credit of Cr.No.66 of 2023 on or before 08.03.2024 before the learned Judicial Magistrate, Coimbatore.

[c] the 1st petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders, 2nd, 3rd and 4th petitioners on every Saturday at 10.30 a.m., until further orders.

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

[e] the petitioners 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 petitioners in accordance with law as if 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]**.

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

08.02.2024

Vv



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