



WEB COPY



Crl. O.P.No. 31659 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 31659 of 2024

1.Ananthi

2.Thamaraiselvi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Pallikaranai Police Station
Crime No. 80 of 2022.

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No. 80 of 2022 dated 20.01.2022 on the file of the Inspector of Police, Pallikaranai Police Station, Chengalpattu District.

For Petitioners : Mr.Selvan Subramanian

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



Crl. O.P.No. 31659 of 2024

Apprehending arrest in connection with in Crime No. 80 of 2022

registered for the offences punishable under Sections 406 & 420 of IPC, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the first accused was working as Sales Executive under the de-facto Complainant/Company. He had misappropriated to the tune of Rs.1 Crore from the company account and the said amount was transferred into the accounts of the accused 2&3. Hence the complaint.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the petitioners are house wives and the first petitioner is the wife and the second petitioner is the mother of A1 and the accounts of the petitioners were misused by A1 without their knowledge. He further submits that A1 had already arrested and released on bail. He further submits that there is no previous case is pending against them. He would submit that the petitioners are ready to abide by any stringent



Crl. O.P.No. 31659 of 2024

condition that may be imposed by this court.

WEB COPY

3. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the first accused was working as Sales Executive under the de-facto Complainant/Company. He had misappropriated to the tune of Rs.1 Crore from the company account and the said amount was transferred into the accounts of the accused 2 & 3. He further submits that A1 had already arrested and released on bail. He further submits that there is no previous case is pending against the petitioners.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Alanthur**, on condition that the



Crl. O.P.No. 31659 of 2024

petitioners shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 said Magistrate, on further condition that:

[a] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

[c] the petitioners shall report before the respondent Police as and when required for interrogation.

[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;



WEB COPY



Crl. O.P.No. 31659 of 2024

[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 269 of BNS.

19.12.2024

MSM



WEB COPY



Crl. O.P.No. 31659 of 2024

A.D.JAGADISH CHANDIRA, J.

MSM

Crl.O.P.No.31659 of 2024

19.12.2024