



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Third day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.11541 of 2015

BALA GANAPATHY

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, RAMANATHAPURAM DT,
CRIME NO. 41 OF 2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. S. SUKUMAR Advocate

For Respondent : Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

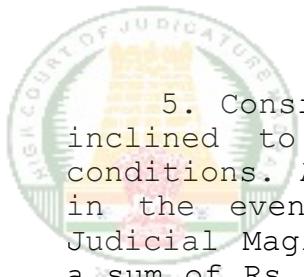
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1 apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 409 and 420 of I.P.C., in Crime No.41 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2. The District Manager, TASMACH, Ramanathapuram District preferred a complaint alleging that when he inspected the Shop No.7032 of Sengudi Village, he found shortage of Rs.11,52,790/- which was misappropriated by the accused.

3. The learned counsel for the petitioner submitted that the petitioner was working as Superintendent in TASMACH Shop from 12.03.2014 onwards, whereas the Audit Committee made inspection on 18.07.2014 and found only shortage of Rs.2,220/- and later on an enquiry, the Manager alleges that the accused have misappropriated Rs.11,52,790/-. The learned counsel for the petitioner further submitted that the petitioner was working only as a Superintendent and the accused 2 and 3 are the salesmen in the shop and they gave a letter to the de-facto complainant admitting their liability to pay the entire amount and also A3 paid Rs.2 lakhs and the learned counsel for the petitioner submitted that the petitioner is now placed under suspension and to prove his *bona fide*, he is ready to deposit Rs.2,00,000/-.

4. The learned Government Advocate (Crl.side) opposed the bail petition stating that the accused have joined together and misappropriated huge amount of Rs.11,52,790/-. It is further submitted that A2 was arrested and released on bail and A3 was released on anticipatory bail on condition that he should deposit Rs.50,000/- by the Sessions Court.



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate No.II, Ramanathapuram and on his executing 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 the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the de-facto complainant within a period of four weeks without prejudice to his right and the petitioner shall appear before the respondent police as and when required. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
03/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NO.II, RAMANATHAPURAM.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, RAMANATHAPURAM DISTRICT.

+1. CC to M/S. S. SUKUMAR Advocate SR.No.36392.

TS/ 10.07.2015/2P - 6C

ORDER
IN
CRL OP(MD) No.11541 of 2015
Date :03/07/2015