



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

Monday, the Tenth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.11867 of 2015

C. SIVAKUMAR

... PETITIONER / ACCUSED

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
THENI POLICE STATION, IN CRIME NO.478/2015,
THENI DISTRICT

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.J.WILLIAM CHRISTOPHER Advocate

For Respondent : M/S.S.Prabha Government Advocate (Crl.Side)

For Intervenor : M/S. P.Muthu Vijaya Pandian Advocate

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

ORDER : The Court Made the following order :-

The petitioner/accused apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 408, 420 and 506(ii) IPC in Crime No.478 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

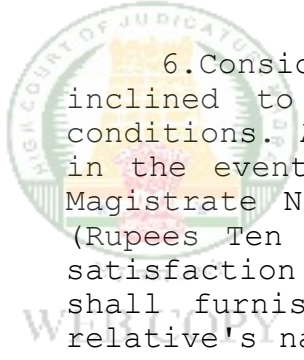
2.According to the de-facto complainant, the accused was functioning as Branch Manager in PDA Foundation, Theni Office and misappropriated a sum of Rs.8,06,000/-

3.The learned counsel for the petitioner submitted that the Area Manager of PDA Foundation is the brother-in-law of the petitioner and as there was a matrimonial dispute between them, the petitioner lodged a complaint against the de-facto complainant stating that he committed theft of six unfilled cheques of the accused for a sum of Rs.8,06,000/- and this present complaint was given at the instigation of his brother-in-law viz., Mr.Deivam.

4.The learned counsel for the intervenor submitted that the complaint preferred by the accused was enquired into and closed as mistake of fact and the family dispute between the accused and the brother-in-law is nothing to do with the complaint preferred by the present complainant viz., Perumal Thevan. It is further submitted that the accused have swindled huge amount of the bank and therefore, he is not entitled to the relief of anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Heard the learned Government Advocate (Crl. Side) appearing for the respondent who would submit that the petitioner is having no bad antecedents.



6.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 arrest or on his appearance before the learned Judicial Magistrate No.1, Theni and on 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 that the petitioner shall furnish immovable property security standing in his name or his relative's name to the tune of Rs.8,00,000/- (Rupees Eight Lakhs only) and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.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/-
10/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NO.I, THENI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, THENI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE, THENI POLICE STATION,
THENI DISTRICT.

+1. CC to M/S.J.WILLIAM CHRISTOPHER Advocate SR.No. 46080

+1cc to M/S.P.Muthu Vijaya Pandian, Advocate in SR.No 45451

TS/18.08.2015/2P - 7C KBM/SAR -II

ORDER
IN
CRL OP(MD) No.11867 of 2015
Date :10/08/2015