



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

Thursday, the Twelfth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3451 of 2015

S.A.NAGARAJ

... PETITIONER/ ACCUSED

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL,
DINDIGUL DISTRICT.

CR. NO.NOT KNOWN OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SELVARAJ Advocate

For Respondent : M/S.A.P.BALASUBRAMANI Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 408 and 420 IPC, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. This petition was filed showing the Crime Number as "Not Known" and therefore, this Court granted interim anticipatory bail to this petitioner on 26.02.2015 with a direction to appear before the respondent police everyday for two weeks.

4. Today, the respondent police is present and a status report has been filed. In the status report, it is stated that the petitioner regularly appeared before the respondent police in compliance with the orders passed by this Court and gave statement.

5. It is the case of the defacto complainant that the petitioner was working as Manager in their company between 2006 and March, 2014. He was in-charge of the administration of the factory at Nilakottai. Using the said position, it is alleged by the defacto complainant that the petitioner had created forged documents and stolen raw materials from the company and sold the same to other companies and thereby caused a loss of Rs.2 Crores.

6. In Paragraph No.3 of the Status Report, the respondent police have stated as follows:

"3. I respectfully submit that the accused appeared before the Investigation Officer and gave statement. Even though lot of chance given to the Defacto Complainant to prove this case with oral and documentary evidence, but he failed to submit any records. The Defacto complainant



seeking continuous time for submit records but he never return back in my enquiry. Now the investigation is going one."

7. Learned counsel for the petitioner submits that the petitioner resigned from the company in March, 2014 and he started a similar business now. Since the petitioner has become a competitor, this false case has been lodged against him.

8. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner 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, Dindigul, on condition that the petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

9. In the event of Police registering a regular case, anticipatory bail granted will enure to the benefit of the petitioner and the petitioner need not apply a fresh petition for anticipatory bail.

sd/-
12/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, NO.II, DINDIGUL.

2 Do - Through THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL, DINDIGUL DISTRICT.

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

+1. CC to M/S.D.SELVARAJ Advocate SR.No. 12048.
TS/13.03.2015/2P-6C

ORDER IN
CRL OP(MD) No.3451 of 2015
Date :12/03/2015