



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

Wednesday, the Twenty Seventh day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.12928 of 2016

M. MURUGAN

... PETITIONER/2nd ACCUSED

Vs

THE STATE THROUGH

THE INSPECTOR OF POLICE

COMMERCIAL CRIME INVESTIGATION WING (CCIW),

NAGERCOIL.

CRIME NO. 1/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.R.LAXMAN Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

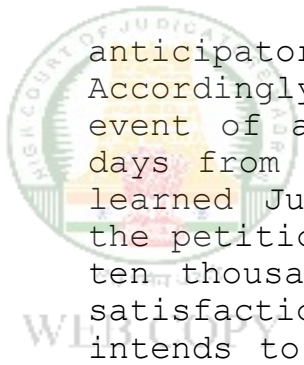
The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 471, 477-A read with 34 IPC, in Crime No.1 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that A.1 is the Manager of Y-160, Vadaseri Co-operative Stores and the petitioner/A.2 is the President and both of them misappropriated a sum of Rs.1,40,780.65 from 01.04.2014 to 30.04.2014. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is working as a President of Y-160, Vadaseri Cooperative Stores. The name of the petitioner is not found in the FIR and in the charge sheet only he has been arrayed as A.2. Even as per the charge sheet, the petitioner misappropriated only a sum of Rs.6,190/-. The total misappropriated amount was recovered from A.1.

4.The learned Government Advocate (Criminal side) submitted that investigation has been completed and charge sheet has been filed and taken on file in C.C.No.5 of 2016. The entire amount has been recovered from A.1.

5.Considering the facts and circumstances of the case and also considering the fact that the amount has been recovered from A.1 and investigation has been completed and charge sheet has been filed and taken on file in C.C.No.5 of 2016, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tirunelveli, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the said Court in all future hearings regularly.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
27/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING (CCIW), NAGERCOIL.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.R.LAXMAN Advocate SR.No.39891

ORDER
IN
CRL OP(MD) No.12928 of 2016
Date :27/07/2016