



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

Wednesday, the Tenth day of August Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.13733 of 2016

WEB COPY

BHARATHI RAJA

... PETITIONER/SOLE ACCUSED
Vs

1 STATE REP BY THE INSPECTOR OF POLICE,
D.1 THALLAKULAM POLICE STATION, (CRIME
BRANCH) (CRIME NO.892/2015), MADURAI CITY.

...RESPONDENT/COMPLAINANT

2 EBROS,
REP.BY ITS PARTNER, VIDHYA SRINIVASAN

... RESPONDENT/ DEFACTO COMPLAINANT

For Petitioner : M/S.N.DILIP KUMAR 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, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 IPC, in Crime No.892 of 2015, on the file of the first respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the *de-facto* complainant is the one of the partners of "EBROS" Firm. She recruited the petitioner and two others as Computer Technicians. In the month of December 2014, the petitioner reported to the *de-facto* complainant that he resigned the job. Thereafter, the *de-facto* complainant came to know that the petitioner used the office machineries and equipments for his personal profits and started own business in his individual name and thereby, committed breach of trust. On complaint, a case has been registered for the offences stated above.

3. The case of the petitioner is that he left the job in the month of December 2014 to start his own business in his home town. He started his shop in the name and style of "Annai Computer Solutions" in the nature of repairing laptops and computers. Not being tolerated the same and in order to give trouble to the petitioner, the *de-facto* complainant has given the false complaint against the petitioner. The petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal side) submitted that on receiving the complaint, a case has been registered and



investigation is going on.

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 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, Madurai, 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 respondent Police daily at 10.00 a.m. until further orders.
- (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/-
10/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE,
D.1 THALLAKULAM POLICE STATION, (CRIME BRANCH) MADURAI CITY.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13733 of 2016
Date : 10/08/2016