



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

Friday, the Sixteenth day of December Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.20996 of 2016

1 NARAYANAPERUMAL

2 KRISHNAKUMAR

... PETITIONERS/ACCUSED NO.1 & 2

Vs

THE STATE REP.BY

1 THE INSPECTOR OF POLICE,
MANAVALAKURICHI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.263 OF 2016

... RESPONDENT/COMPLAINANT

2 SELVANAYAGAM

... RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : M/S.D.SRINIVASAGARAVAN Advocate

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

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

ORDER : The Court Made the following order :-

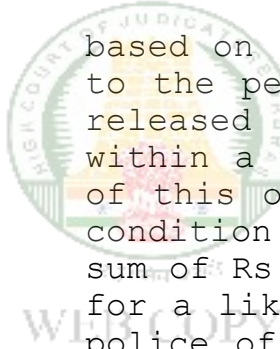
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 468, 471, 379(NP), 294(b) and 506(ii) of I.P.C in Crime No.263 of 2016 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the first respondent/State. The second respondent is absent today though notice was served on him.

3. The learned counsel for the petitioners submitted that the first petitioner is working in the Company of the second respondent and he has obtained festival advance from the second respondent and in order to harass the first petitioner, the second respondent has falsely lodged the present complaint and the alleged amount of misappropriation stated by the defacto complainant differs as it is stated as a sum of Rs.4,35,647/- in one part and in the other part, it is stated as a sum of Rs.1,86,859/-. He further submitted that the charge against the petitioner is based on records.

4.The learned Government Advocate(Crl. Side) on instructions would submit that the petitioners are said to have misappropriated huge amount from the company of the second respondent.

5. Considering the facts and the circumstances of the case and also considering the fact that the charge against the petitioner is



based on records, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, on condition that the petitioners shall execute a separate 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

sd/-

16/12/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ERANIEL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MANAVALAKURICHI POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SRINIVASAGARAVAN Advocate SR.No.81206

ORDER

IN

CRL OP(MD) No.20996 of 2016

Date :16/12/2016

PM

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

CSL/SRS-RR/SAR-1/20.12.2016: 2P/6C