



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

Thursday, the Twenty Eighth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.13344 of 2017

FRANKLIN MOSES

... PETITIONER / ACCUSED

Vs

The State rep.by

THE INSPECTOR OF POLICE

SRIRANGAM POLICE STATION, TRICHY DISTRICT.

IN CRIME NO. 757 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.T.SASIDHARAN TAMILKANI Advocate

For Respondent : Mr.C.Ramesh, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner / accused, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294 (b), 420, 406 and 506(i) of I.P.C. in Crime No.757 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant gave a complaint before the respondent police alleged that before nine months from the date of register the case, this petitioner worked as a front office assistant, while at that period, this petitioner was misappropriated an amount of Rs.5,00,000/- in the defacto complainant's hotel. When the defacto complainant questioned the petitioner about the misappropriate amount, hence this petitioner used filthy language and also threatened with dire consequences as against the defacto complainant. Hence the presence case was registered against this petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he is not committed any offence as alleged by the prosecution. In the meanwhile, the learned counsel for the petitioner agrees to deposit a 50% of the claim amount made in this complaint.

4.The learned Additional Public Prosecutor submitted that the investigation is yet to be completed and hence, he opposed for granting anticipatory bail.



5. Considering the facts and circumstances of the case and considering the fact that the learned counsel for the petitioner agrees to deposit 50% of the claim amount made in the complaint, I am 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 their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.3, Tiruchirappalli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) each 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 deposit 50% of the claim amount made in this complaint within a period of two weeks from the date on which the order copy is made ready,

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of one week and thereafter, the petitioner shall report before the respondent Police as and when required for interrogation.

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

[d] the petitioner 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 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)**.

sd/-
28/09/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.3, TIRUCHIRAPPALLI

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE
TIRUCHIRAPPALLI

3 THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION, TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.S.T.SASIDHARAN TAMILKANI Advocate SR.No.31866

ORDER

IN

CRL OP(MD) No.13344 of 2017

Date :28/09/2017

SM:RR-BS:SAR 2:4.10.2017:3P/6C