IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N.SATHISH KUMAR

CRIMINAL ORIGINAL PETITION No.13962 of 2018

V.SUBAIYA, [PETITIONER / ACCUSED]

Vs

STATE REP. BY, [RESPONDENT]
THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.201 OF 2018.

For Petitioner : M/S.J.FRANKLIN Advocate

For Respondent : MRS.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR

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 u/s.408, 47A, 471, 468 and 506[i] of IPC in Crime No.201/2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioner is said to have taken the signed cheque of the defacto complainant ; that he had purchased the Boiler for the Company in the year 2014 in his name and that he had misappropriated a sum of Rs.17 lakhs.

3.The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and that he is a partner of the complainant and that the petitioner had lodged a complaint with the very same respondent police as against the complainant that a sum of Rs.4.50 lakhs is due to him from the complainant and that suppressing the said fact, the present complaint has been preferred by the complainant.

4Taking into consideration, the previous complaint lodged by the petitioner as against the complainant and that the dispute seems to be with regard to the financial transaction in the partnership firm, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner 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, No.IV, Tiruppur, 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 report before respondent police daily at 6.30 p.m for a period of two weeks and thereafter, 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].**

[**e**] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
30/05/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.IV, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.J.FRANKLIN Advocate on payment of necessary charges-Sr.9877

CRL OP.13962/2018

Date :30/05/2018

ths : 01.06.2018