

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19775 of 2018

G.MAGESH,

[PETITIONER / ACCUSED]

vs

[RESPONDENT]

STATE BY

THE INSPECTOR OF POLICE,
N-1, ROYAPURAM POLICE STATION,
CHENNAI.

CR.NO. 1140 OF 2018

For Petitioner : M/S.G.MOHANAKRISHNAN Advocate

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor

For Intervener : MR.T.V.VINOTH KUMAR, Advocate

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 offence under Sections 406 and 420 of I.P.C. in Crime No.1140 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is running a business under the name and style of Aqua World Export (P) Limited, through which he used to export shrimp to foreign countries. While so, on 04.07.2008 the stock which was sent to Magendra Bolero Pickup Vehicle bearing Registration No.TN-01Ay-3001 was dropped at Chennai Airport. However, the said material was taken back by another vehicle and the same was not returned to the complainant due to which there was a loss to the defacto complaint. The respondent police registered a case against the petitioner/employee.

3.The learned counsel appearing for the petitioner did not commit any offence as alleged by the prosecution and he was employee under the defacto complainant and the petitioner's name is falsely implicated in this case, but he is no way connected in this case.

4. The learned counsel appearing for the Intervener would submit that the petitioner is a erstwhile employee of the defacto complainant. The sea food was not returned to the defacto complainant, thereby he committed fraud and made loss to the defacto complainant.

5. The learned Additional Public Prosecutor appearing for State would submit that the case has been registered and investigation is still pending.

6. In view of the above, since the petitioner ready to abide the conditions, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 XVI Metropolitan Magistrate, George Town, Chennai, 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 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 a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.1140 of 2018 on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai within two weeks.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 6.30 p.m. for a period of four weeks and thereafter, as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
09/08/2018

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 METROPOLITAN MAGISTRATE,
NO.XVI, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
N-1, ROYAPURAM POLICE STATION,
CHENNAI.

+1 CC to M/S.G.MOHANAKRISHNAN Advocate on payment of necessary charges SR.NO.14892

CRL OP.19775/2018

सत्यमेव जयते Date : 09/08/2018

TA-16/08/2018

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