



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

Thursday, the Twenty Sixth day of April Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.6958 of 2018

M.JEYAMANI,

... PETITIONER/ACCUSED IN
CRL OP(MD) No.6958 of 2018

K.SIVA SANMUGAM

... PETITIONER/ACCUSED IN
CRL OP(MD) No.6986 of 2018

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
C.C.I.W.C.I.D. POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.NOT KNOWN OF 2018)

... RESPONDENT / COMPLAINANT IN
CRL OP(MD) No.6958 of 2018

THE STATE REP BY
THE INSPECTOR OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING,
SIVAGANGAI
SIVAGANGAI DISTRICT.
(CRIME NO.NOT KNOWN OF 2018)

... RESPONDENT / COMPLAINANT IN
CRL OP(MD) No.6986 of 2018

For Petitioner : M/S.R.SARAVANAN Advocate
IN CRL OP(MD) No.6958 of 2018

For Petitioner : M/S.R.VENKATESHWAR Advocate
IN CRL OP(MD) No.6986 of 2018

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 408, 420, 465, 468, 471, 477(A) r/w. 109 IPC, in Crime No.2 of 2018, seek anticipatory bail.



2. Heard both sides.

3. The petitioner in Crl.O.P.(MD)No.6958 of 2018 was the Secretary of RD-145, Tamil Nadu State Transport Corporation Employees Co-operative Thrift and Credit Society, whereas the petitioner in Crl.O.P.(MD)No.6986 of 2018 was the then President. The respondent police has registered the FIR in Crime No.2 of 2018 against them for the offences stated above.

4. The case of the prosecution is that the misappropriation to the tune of Rs.6,40,000/- had taken place during the year 1998-1999. The case is more than 20 years old. The case of the petitioners rests only on documentary evidence. Therefore, custodial interrogation is not required.

5. The petitioner in Crl.O.P.(MD)No.6958 of 2018 undertakes through his counsel that he will deposit a sum of Rs.1,00,000/- to the credit of Crime No.2 of 2018 before the jurisdictional Court.

6. Recording the abovesaid undertaking given by the petitioner in Crl.O.P.(MD)No.6958 of 2018, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Sivagangai, and on their executing 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 learned Magistrate concerned and on condition that the petitioner in Crl.O.P.(MD)No.6958 of 2018 shall deposit a sum of Rs.1,00,000/- to the credit of Crime No.2 of 2018 before the learned Judicial Magistrate No.II, Sivagangai. On such deposit, it will be open to the Society concerned to withdraw the said amount subject to the outcome of the case and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m. for a period of ten days and extend their co-operation for enquiry. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

26/04/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE,
C.C.I.W.C.I.D. POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING,
SIVAGANGAI
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.R.SARAVANAN Advocate SR.No.7332

+1 CC to M/S.R.SARAVANAN, Advocate SR.No.7315

ORDER

IN

CRL OP(MD) No.6958 of 2018

Date :26/04/2018

SMA/PN/GSR/02.05.2018:3P/8C