



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

Tuesday, the Eleventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21855 of 2018

P.DAVID RAJA

... PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THACHANALLUR POLICE STATION,
TIRUNELVELI CITY.
(CRIME NO.220/2018)

... RESPONDENT

For Petitioner : Mr.T.SELVAN Advocate

For Respondent : Mr.S.CHANDRASEKAR, 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 alleged offences punishable under Sections 406, 417, 420 and 506(i) of I.P.C in Crime No.220 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is an employee of Anantha Chits Private Limited. Allegation against the petitioner is that he failed to repay the chit amount to the defacto complainant, even after maturity of the chit.

3. The learned counsel appearing for the petitioner would submit that the petitioner is only an employee and the owner of the Chit Company is one Karthikeyan and as early as on 15.12.2017, the petitioner was relieved from his employment. Hence, he has nothing to do with the alleged crime and prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that out of Rs.3,00,000/-, Rs.1,00,000/- has been paid and a sum of Rs.2,00,000/- is due from the petitioner.

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

5.Considering the above submission and also considering the



fact that the petitioner is only a Clerk in the above mentioned Chit Company, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.IV, Tirunelveli 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 learned Magistrate concerned and on further condition that;

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police daily at 10.00 a.m for a period of two weeks, thereafter 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]**.

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

sd/-
11/12/2018

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

TO

1 THE JUDICIAL MAGISTRATE NO-IV,

TIRUNELVELI



2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
THACHANALLUR POLICE STATION,
TIRUNELVELI CITY.

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

+1. CC to M/S.T.SELVAN Advocate SR.No.23075

PS/VR-MMS/SAR-1/17.12.2018/3P/6C

ORDER

IN

CRL OP (MD) No.21855 of 2018

Date :11/12/2018