



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.18815 of 2018

P.OLIVER

... PETITIONER / ACCUSED no.1

Vs

STATE THROUGH

1. THE INSPECTOR OF POLICE,
RAJAKKAMANGALAM POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT
CRIME NO.315 OF 2017

**(*) 2. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGERCOIL,
KANYAKUMARI DISTRICT**

... RESPONDENTS / COMPLAINANTS

**(R2 IMPEADED AS PER ORDER OF THIS HONOURABLE COURT MADE IN
CRL MP(MD). 9202/2018 IN CRL OP(MD) NO.18815/2018 DATED 02/11/2018)**

For Petitioner : MR.L.PRABHU Advocate

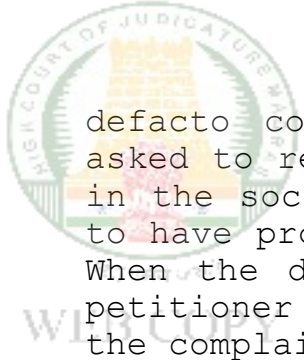
For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 420, 294(b) and 506(i) of IPC in Cr.No.315 of 2017 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the Executive Director of Prompt Multi State Co-operative House Building Society Ltd. The defacto complainant approached the petitioner and sought employment and she was offered employment on a deposit of Rs.5 Lakhs. After her employment, she found some lapses in the Management such as not issuing receipts for the deposits made in the company, improper maintenance of records, etc.,. Thereafter, the



defacto complainant resigned her job. While resigning, she had asked to return the money of Rs.5 lakhs which had already deposited in the society by the defacto complainant. The petitioner is said to have promised to return the same by way of cheque on 05.12.2017. When the defacto complainant went to the petitioner's office, the petitioner had abused in obscene words and thereafter she had lodged the complaint.

3.The contention of the petitioner is that the complaint is bald and vague. During the month of November 2017, the defacto complainant was warned by the Management of the petitioner company for her lapses in the work and she had not measured up to their expectations. Thereafter, she opted to forego her job and voluntarily submitted her resignation letter on the same day. Copy of the Resignation letter is filed. It is found that the resignation letter is voluntarily submitted and there is no allegation against the Management. Thereafter, on 20.12.2017 she had given a false complaint to the first respondent. The petitioner is a Doctorate Degree Holder in Agriculture from Boston University, United States of America. He had appeared before the first respondent police and explained about the happenings in the company and the case was about to be dropped. Hence, the defacto complainant had made representation to the Higher Officials and thereafter it was represented that the case has been transferred to the Inspector of Police, District Crime Branch, Nagercoil. Thereafter, the District Crime Branch was arrayed as a second respondent in this petition on 02.11.2018.

4.The learned Government Advocate (Crl. Side) would submit that despite several reminders, the District Crime Branch, Nagercoil had not appeared before him and given any instructions with regard to the same.

5.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 learned Judicial Magistrate No.I, Nagercoil, 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 said Magistrate, on further condition that:

[a] if the petitioner fail 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 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/-

26/11/2018

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

TO

1. THE JUDICAIL MAGISTRATE NO.I,
NAGERCOIL
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISRICT AT NAGERCOIL
 3. THE INSPECTOR OF POLICE
RAJAKKAMANGALAM POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT
 4. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NAGERCOIL,
KANYAKUMARI DISTRICT
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S.L.PRABHU Advocate SR.No.22102

ORDER

IN

CRL OP(MD) No.18815 of 2018

Date :26/11/2018