



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

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21017 of 2018

RAJESH @ RAJESH KANNAN

... PETITIONER / ACCUSED No.2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ARUPPUKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
Crime No.215 of 2006

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.VAKEESWARAN Advocate

For Respondent : Mr.M.ASOKAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

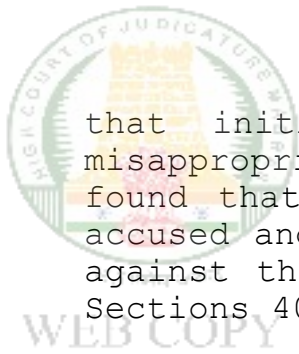
The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 409, 465, 468 and 471 of IPC, in Cr.No.215 of 2006 and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A2 while working as Tax Collector in Kanjanaickkanpatti Village colluded with A1 had misappropriated a sum of Rs.24,621/-.

3.The learned counsel for the petitioner would submit that initially, the petitioner's name was not found in the FIR in Crime No.215 of 2016 and thereafter, his name has been included in the Charge Sheet in C.C.No.271 of 2006 and he was never called for any enquiry and was not aware about the pendency of the above case and he had nothing to do with the alleged offence. He would further submit that since the petitioner's name is found in Clause 11 of the Charge Sheet, Non-bailable Warrant was issued by the Trial Court in the abovesaid case. On the strength of the abovesaid case, the respondent police are attempting to arrest the petitioner and hence, the learned counsel seeks anticipatory bail to the petitioner.

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

4.The learned Government Advocate (Criminal side) would submit



that initially the case has been registered against A1 for misappropriation of Rs.13,406/- and after investigation, it was found that a sum of Rs.24,621/- was misappropriated by the first accused and the petitioner/A2, which culminates into a charge sheet against the petitioner/A2 and A1 for the offences punishable under Sections 408, 409, 465, 468 and 471 IPC.

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, Aruppukkottai, Virudhunagar District, 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 appear before the Trial Court on all hearing dates without fail;

[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/-
27/11/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTOOR.

3. THE INSPECTOR OF POLICE,
ARUPPUKOTTAI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. CC to Mr.C.VAKEESWARAN Advocate SR.No.22185

ORDER

IN

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Date :27/11/2018

TK/PN/SAR-4/03.12.2018/3P/6C