

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C. SARAIVANAN

CRIMINAL ORIGINAL PETITION No.12421 of 2019

GOPAL

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
CCIW POLICE STATION,
THIRUVARUR,
THIRUVARUR DISTRICT.
CR.NO.01 OF 2018

For Petitioner : M/S.SWAMI SUBRAMANIAN Advocate

For Respondent : MR.T.SHUNMUGA RAJESWARAN Govt. Advocate (Crl. Side)

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 offences punishable under Sections 408, 409, 467, 468, 471 and 477(a) IPC in Crime No.1 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the Manager of the Mannargudi Silk and Handloom Weavers Co-operative Society during the period from 01.04.2016 to 31.03.2017 and he is alleged to have misappropriated to the tune of Rs.14,64,702/-, resulting in registration of the case.

3.The learned counsel appearing for the petitioner would submit that he is no way connected with the offence. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there is no previous case against the petitioner. However, he opposed for the grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances, 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, within a period of thirty days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Mannargudi, Thiruvavur District on condition that the petitioner shall deposit a sum of Rs.7,50,000/- (Rupees Seven lakhs fifty thousand only) to the credit of Cr.No.1 of 2018 on the file of Judicial Magistrate No.I, Mannargudi, Thiruvavur District and also 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[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 229A IPC.

-sd/-

22/05/2019

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 JUDICIAL MAGISTRATE,
NO.I, MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
CCIW POLICE STATION,
THIRUVARUR, THIRUVARUR DISTRICT.

+1CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary
charges SR NO.10227

CRL OP.12421/2019

Date :22/05/2019

MK:24/05/2019



WEB COPY