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

Thursday, the Thirty First day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1244 of 2019

ARUMUGAM, ... PETITIONER / A1

Vs

THE INSPECTOR OF POLICE,
CCIW,
THOOTHUKUDI DISTRICT.
(CRIME NO.1/2016) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.K.MANICKAM 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 who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 408 and 420 IPC in Crime No.1 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that while the petitioner, who is arrayed as A1 working as a Special Officer in Karunkulam Agricultural, Engineering and Service Co-operative Society, Vasavapppapuram, Seithunganallur during 1993 -1994, the said Society obtained contract works from Ponnakudi Forest Scientific Kendra, Thirunelvei. But, they did not complete the works within the time and did not return the money and thereby, loss caused nearly a sum of Rs.8,95,850/- to the Society. After completion of Section 81 enquiry in the year 2011, surcharge proceedings were also initiated against the petitioner and thereafter, the defacto complainant has lodged a complaint against the petitioner on 09.09.2016.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was working in the said Society during the year 1993 -1995 and he resigned the job in the year 1998. Further, he did not get any retirement benefits till today. He would further submit that after the

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surcharge proceedings were initiated, there is no amount fixed to be recovered from the petitioner. Hence, the petitioner had not bonafide or loss caused to the Society and he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that on receipt of the complaint a case has been registered and some of the documents have been secured and the investigation is pending.

5. Taking into consideration the facts of the case and the submissions by learned counsels ,this Court 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.II, Thirunelveli 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 daily at 10.30 am for a period of one week and 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/-
31/01/2019

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

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TO

1.THE JUDICIAL MAGISTRATE NO.II,
TIRUNELVELI.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3.THE INSPECTOR OF POLICE,
CCIW, THOOTHUKUDI DISTRICT.

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

+1. CC to MR.A.K.MANICKAM Advocate SR.No.2035

ORDER
IN
CRL OP(MD) No.1244 of 2019
Date :31/01/2019

AE/PN/SAR2/08.02.2019/2P/6C

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