



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

Thursday, the Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1601 of 2019

MANIKANDAN

... PETITIONER / ACCUSED NO.4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
K.PUDHUR POLICE STATION,
MADURAI CITY.
CRIME NO.46 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.BANUMATHY Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

For Intervener : MR.PALA.RAMASAMY, Advocate

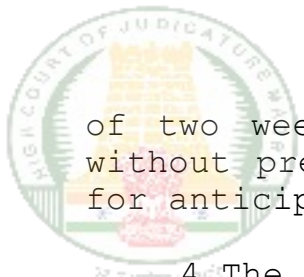
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 408, 417, 418 and 420 I.P.C., in Crime No.46 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is working as Branch Manager of Karur Vysa Bank, Mattuthavani Branch and the petitioner, who is arrayed as A4, is working as Jewel Appraiser in the said Branch. A1 to A3 pledged duplicate gold jewels worth about Rs.17,88,000/- with the connivance of A4 thereby cheated the Bank.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent and falsely implicated in this case. However, on instructions, the learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit a sum of Rs.1,00,000/- directly to the Bank within a period



of two weeks from the date of receipt of a copy of this order, without prejudice to his defence before the Trial Court and prayed for anticipatory bail.

4. The learned Additional Public Prosecutor submitted that investigation is pending.

5. Considering the facts and circumstances of the case and also considering the above said submissions, 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.VI, Madurai, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1,00,000/- directly to the Bank within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his defence before the Trial Court. Only on such deposit, the surety bond should be accepted;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/02/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
K.PUDHUR POLICE STATION, MADURAI CITY.

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

+1 CC to M/s.PALA RAMASAMY, Advocate (SR-2718 dated 08/02/2019)

+1 CC to M/s.A.BANUMATHY, Advocate (SR-2759 dated 11/02/2019)

ORDER

IN

CRL OP(MD) No.1601 of 2019

Date :07/02/2019

JM/VR/SAR 2/13.02.2019/3P/7C