



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1713 of 2019

R.NABIKUMAR,

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE STATE OF TAMIL NADU
REP. BY ITS INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT.
(CRIME NO. 30 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.ANANTH C.RAJESH Advocate

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

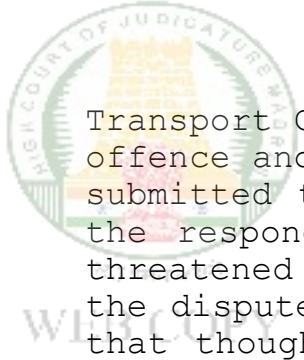
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 403, 409, 477(A) and 420 I.P.C. in Crime No.30 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is running a Financial Company, in which, the wife of the petitioner viz., Daisy, who is arrayed as A1 and one Jino Singh, who is arrayed as A2 were working as Managers in different Branches. They misappropriated a sum of Rs.9,48,193/- and agreed to repay the said amount, for which, the first accused gave a cheque to the de-facto complainant and the same was returned as 'Insufficient Funds' and hence, the de-facto complainant has filed the complaint before the Law Enforcing Agency against the accused.

3.The learned counsel appearing for the petitioner submitted that the petitioner is working as a Driver in the Tamil Nadu State



Transport Corporation Ltd., at Kuzhithurai and he did not commit any offence and he has been falsely implicated in this case. He further submitted that the first accused is the wife of the petitioner and the respondent police in collusion with the de-facto complainant, threatened the petitioner to initiate criminal action against him if the disputed amount was not settled by his wife. He also submitted that though initially the petitioner was not implicated as Accused in the FIR, based on the Video Footage, the Law Enforcing Agency implicated him as Accused. Hence, the learned counsel prayed for anticipatory bail.

4.The learned Additional Public Prosecutor submitted that based on the confession of A1, the Law Enforcing Agency implicated the petitioner as Accused in this case.

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.II, Kuzhithurai, Kanyakumari 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 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 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 daily at 10.30 a.m. for a period of four weeks 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.R.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



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

sd/-
05/02/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO. II,
KUZHITHURAI
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR. ANANTH C. RAJESH Advocate SR.No.2400

ORDER
IN
CRL OP (MD) No.1713 of 2019
Date : 05/02/2019

AE/PN/SAR2/08.02.2019/3P/6C