



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

Wednesday, the Twentieth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2358 of 2019

1 ULAGANATHAN
2 U.SATHEESH

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR.
CRIME NO.NOT KNOWN OF 2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.M.BINDRAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

For Intervenor : Mr.S.PRABHA, Advocate

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

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b) and 506(i) IPC in Cr.No.144 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant running a finance company wherein the first petitioner was worked as Manager. The first petitioner along with his son, who is the second petitioner herein, were misappropriated a sum of Rs.90,00,000/- and Rs.41,00,000/- was paid by them and the remaining amount was not returned by them and the same was questioned by the defacto complainant. Thereafter, on 16.01.2019 the petitioners threatened the defacto complainant and also taken away the R.C.book and other documents. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. He would further



submit that the employer and employee dispute was given criminal colour by the defacto complainant and that the alleged occurrence was taken place on 16.01.2019 and the complaint was given only on 17.02.2019 and hence, he would pray for anticipatory bail.

4.The learned counsel appearing for the intervenor would vehemently opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.

6.Considering the facts and circumstances of the case and considering the fact that the alleged occurrence was happened on 16.01.2019 and the complaint was given only on 17.02.2019, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Karur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

sd/-

20/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.I, KARUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION, KARUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.BINDRAN Advocate SR.No.3456

ORDER

IN

CRL OP(MD) No.2358 of 2019

Date :20/02/2019

MS/PN/SAR-3/20.02.2019/3P.6C