



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

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2950 of 2019

1 REVINRAJ

2 S.KALA

... PETITIONERS / ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE
MANDAICADU POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.10/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.RAJKUMAR SEN 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 petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 294(b) and 506(ii) IPC, in Crime No.10 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are running a Self Help Group and they deployed manpower to the Municipality, for which, they received the wages of the employees from the Municipality. After receipt of the said amount, the amount was not disbursed in favour of the employees and therefore, the employees filed a complaint against the petitioners before the respondent police.

3.The learned counsel for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution. However, on instructions, the learned counsel for the petitioners submitted that the first petitioner is ready and willing to deposit a sum of Rs.65,000/- and the second petitioner is ready and willing to deposit a sum of Rs.60,000/- to the credit of Crime No.10 of 2019, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to their defence before the Trial Court, thereafter, the said amount may be disbursed to the

employees and prayed for anticipatory bail.

4.The learned Government Advocate (Criminal side) 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 petitioners.

6.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, Eraniel, on condition that each of them 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 first petitioner shall deposit a sum of Rs.65,000/- and the second petitioner shall deposit a sum of Rs.60,000/- to the credit of Crime No.10 of 2019, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to their defence before the Trial Court. The learned Magistrate shall disburse the said amount to the victim employees, within a period of two weeks thereafter. Only on such deposit, the surety bond should be accepted;

(b) 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;

(c)the first 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. The second petitioner shall report before the respondent police as and when required for interrogation;

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

(e)the petitioners 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 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**



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

sd/-
27/02/2019

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ERANIEL.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AND NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
MANDAICADU POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.RAJKUMAR SEN Advocate SR.No.3990

PS/PN/SAR-2/04.03.2019/3P/6C

ORDER
IN
CRL OP(MD) No.2950 of 2019
Date :27/02/2019