



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3131 of 2019

R.THANGARAJAN

... PETITIONER /EXPECTED ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI.

(CRIME NO.29/2009)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.VAKEESWARAN Advocate

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

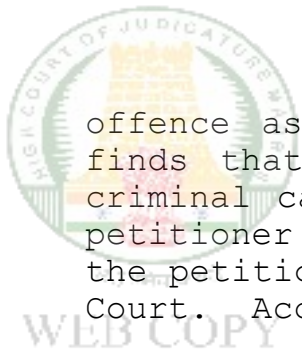
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 409 of IPC, in Cr.No.29 of 2009 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a Regional Head, South Region in Securitians of India Private Ltd., and the petitioner was designated as Manager of Securitians of India Private Ltd. There was mis appropriation of amount to the tune of Rs.65,22,800/- in the said company. Hence, the complaint. Initially, the petitioner's name was mentioned in the complaint and he was arrayed as A3. However, subsequently, on further investigation the petitioner's name was deleted from the case and the charge sheet has been filed only against the A1 and A2. Hence, A1 approached this Court to quash the charge sheet against him in Crl.O.P.(MD).No.18796 of 2012 and this Court by quashing the charge sheet filed against the A1, directed the Law Enforcing Agency to implicate the present petitioner A3 and to take up further investigation in the matter.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any



offence as alleged by the prosecution. The Investigating Agency finds that the petitioner is in no way connected with the above criminal case. Now, only based on the direction of this Court, the petitioner apprehends arrest and come forward with this petition and the petitioner is ready to abide any condition to be imposed by this Court. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State did not dispute the above fact.

5.Considering the facts and circumstances of the case and considering the allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner on condition to deposit some amount into the crime number. Accordingly, 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.I, 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one Lakh only) to the credit of crime number before the concerned Judicial Magistrate Court before the execution of sureties;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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/-

04/03/2019

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1. THE JUDICIAL MAGISTRATE NO. I,
MADURAI.

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

3. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI.

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

+1. CC to MR.C.VAKEESWARAN Advocate SR.No.4219

ORDER
IN
CRL OP (MD) No.3131 of 2019
Date :04/03/2019

TM
AE/JC/SAR-II/07.03.2019/3P/6C