

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

Tuesday, the Nineteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4079 of 2019

K.MURUGALAKSHMI

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP. THROUGH
THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI DISTRICT.

(CRIME.NO.NOT KNOWN/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr. P.R. PRITHIVIRAJ Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI, Govt. Advocate

(Crl. Side)

For Intervener : Mr.R.GANDHI, 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 offence under Sections 408 and 420 of IPC in Cr.No.110 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is employed in Arun Motors Company, in which he had misappropriated a sum of Rs.6,78,156/- from the year 2018 onwards, thereby the defacto complainant filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. Even on the perusal of the First Information Report itself it is seen that as if there are several transactions in between other company and the defacto complainant company in which he is only a employee and there are other persons also employed in the said company. Since there was no cordial relationship between the defacto complainant and the petitioner, the petitioner dis-continued his service. He would also submit that he will willing to deposit Rs.25,000/- without prejudice to the crime number in the Crime number.

4. The learned counsel for the intervenor would submit that a sum of Rs.6,78,156/- was misappropriated by the petitioner and unless the petitioner is imposed any condition, the amount will not be recovered.

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 also considering the fact that the relationship is between the employee and employer company, this Court is inclined to grant anticipatory bail to the petitioner. 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, Theni 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 is directed to pay a sum of Rs.25000/- to the credit in Crime No, 110 of 2019 before the learned Judicial Magistrate, Theni without prejudice to his rights and contentions, and thereafter sureties shall 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 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/-

19/03/2019

/ TRUE COPY /

TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THENI.

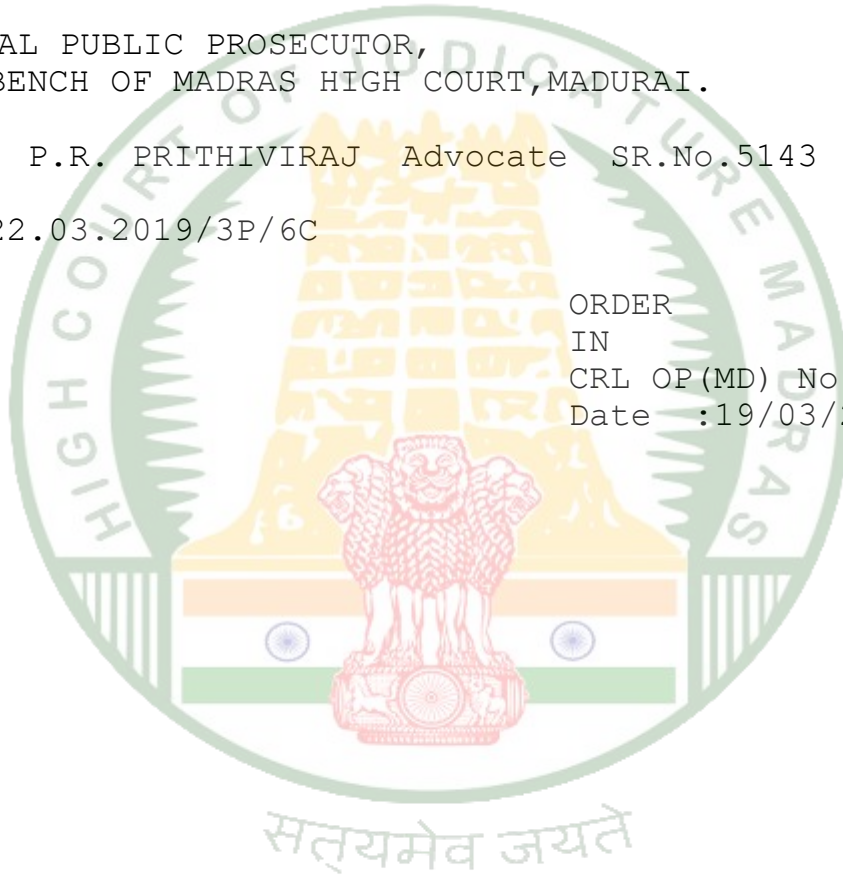
3 THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI DISTRICT.

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

+1. CC to MR. P.R. PRITHIVIRAJ Advocate SR.No.5143

PS/JC/SAR-2/22.03.2019/3P/6C

ORDER
IN
CRL OP(MD) No.4079 of 2019
Date :19/03/2019



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