



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

Monday, the Eighteenth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.470 of 2019

1 K.SURESHMUMAR ... 1st PETITIONER/ACCUSED NO.1
2 S.SHANTHI KALA ... 2nd PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
THENI.
IN CRIME NO.53 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.S.R.VENKAT RAMANA Advocate

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

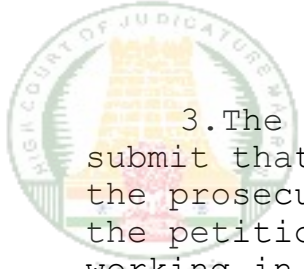
For Intervenor : MR.R.SHANKAR GANESH, Advocate

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 120(B), 406, 420, 379, 294(b), 506(i) of IPC, in Cr.No.53 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner is the Branch Manager in a two wheeler company called Saveri Transport Finance Company. It is the finance company which advances loan amount to purchase two wheelers. The petitioner advanced loan amount for 58 bikes to three dealers , secured the bikes from the defaulters, thereafter the bikes were returned to the dealers and received the money and that the amount was not appropriated in the account of the company for which the Regional Manager lodged a complaint before the respondent police.



3. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. The defacto complainant is the Regional Manager and the petitioner is the Branch Manager and for the past 10 years he is working in the company without any complaint. However the petitioner taken stringent action against the defaulters and secured the bikes and two cases were filed by the borrowers against the petitioner. However the entire action of the petitioner is for the benefit of the company.

4. The learned counsel for the intervenor would submit that the defacto complainant is the Regional Manager however he misappropriated the company money in which the defacto complainant filed a complaint before the respondent police and vehemently opposed for grant of bail

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

6. Considering the facts and circumstances and considering the fact that defacto complainant is the Regional Manager and the petitioner is the Branch Manager and also it is purely a company dispute 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, Theni 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 first petitioner shall report before the respondent police daily at 10.30a.m until further orders and the second petitioner shall report before the respondent police as and when required for interrogation;

(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**



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

sd/-
18/03/2019

WEB COPY

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THENI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
 - 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB), THENI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.T.S.R.VENKAT RAMANA, Advocate SR-5083

ORDER
IN
CRL OP(MD) No.470 of 2019
Date :18/03/2019

JM/JC/SAR 2/26.03.2019/3P/6C