



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 12/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.6768 of 2019

Kandan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Eow-II, Madurai,
Crime No. 7/2016

... Respondent/Complainant

For Petitioner : M/s.R.Mariappan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No. 7 of 2016 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 120(B), 406, 420 of IPC and Section 5 of Protection of Interest of Depositors (In Financial Establishment) Act 1997, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in the above case. He further submitted that the respondent has registered the above case in the year 2016 against some of the accused persons. But in the First Information Report, name of the petitioner has not been mentioned. He further submitted that the respondent has filed a charge sheet by showing that the petitioner is absconding and the learned Special Court for TANPID Act, Madurai has taken the case on file in C.C.No.3 of 2019 and



issued Non-Bailable Warrant. He further submitted that this Court has already granted anticipatory bail to the Accused Nos.4, 7 and 8 and therefore, he prayed for granting anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor has submitted that Accused No.1 has conducted a firm namely, Madurai Grate India Agro Tech Limited and collected money from public to the tune of Rs.3,36,00,000/- and subsequently he did not return the said amount. He further submitted that the petitioner herein was working in the said company and hence, he also has been added as accused in the charge sheet. He further submitted that since Non-Bailable Warrant has been issued, he is opposing for granting anticipatory bail.

5.Taking into consideration of the fact that the petitioner is only an employee and his name has not been mentioned in the First Information Report and only in the charge sheet his name has been shown and also the fact that already this Court granted anticipatory bail to some of the accused persons, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 TANPID Court, Madurai and 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] If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/06/2019

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

TO

1.The TANPID Court, Madurai.

2.Do-Through The Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
EOW-II, Madurai,

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.MARIAPPAN, Advocate (SR-9529[I] dated 12/06/2019)

ORDER
IN
CRL OP(MD) No.6768 of 2019
Date : 12/06/2019

sjj
TK/PN/SAR.2/18.06.2019/3P/6C