

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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.7136 of 2019

KODEESWARAN

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
CCIW, MADURAI RURAL,
MADURAI.
IN CRIME NO.02/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.RAVI, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A2 who is apprehending arrest at the hands of the respondent police for the alleged offence under Sections 406, 409, 420, 467, 468, 471, 477(A) and 120(B) of IPC in crime No. 2 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that during 2011-2016 the petitioner herein along with other accused, by forging documents, waived loan to the tune of Rs.73,19,497/- to 80 ineligible persons and caused heavy loss to Usilampatti Co-operative Society.

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. He would further submit that in order to show his bonafide the petitioner is also prepared to deposit a sum of Rs.5,00,000/-

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that co- accused in this case was granted anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has come forward to deposit Rs.5,00,000/-, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, 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 is directed to deposit a sum of Rs.5,00,000/- (Rupees Five lakhs only) to the credit of crime number 02 of 2018, on the file of the learned Judicial Magistrate No.III, Madurai 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 furthers

(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/-
16/05/2019

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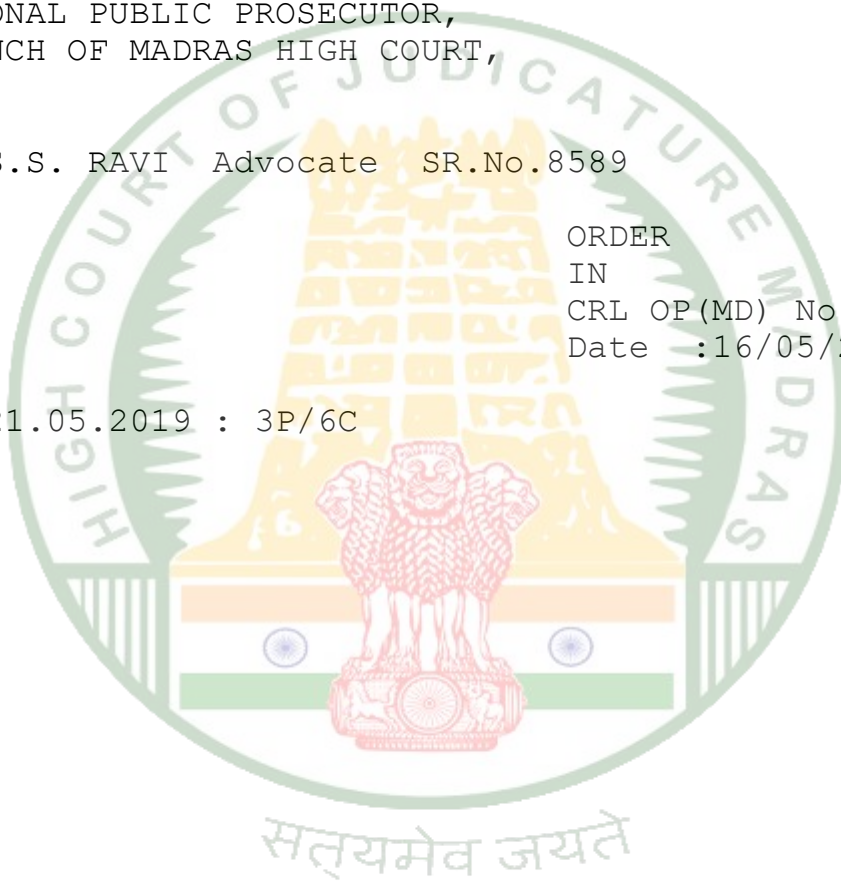
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.III
MADURAI.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
 3. THE INSPECTOR OF POLLICE
CCIW, MADURAI RURAL, MADURAI
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.S. RAVI Advocate SR.No.8589

ORDER
IN
CRL OP(MD) No.7136 of 2019
Date :16/05/2019

GNS/AAV
PK/JC/SAR-3/21.05.2019 : 3P/6C



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