



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 03/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7174 of 2019

Mooventhan

... Petitioner/Accused
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Theppakulam Police Station (Crime)
Madurai
Crime No.268 of 2019

... Respondent/Complainant

For Petitioner : Mr.S.Sukumar, Advocate
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

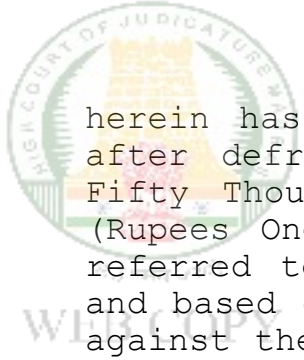
PETITION FOR ANTICIPATORY BAIL Under Sec.438 Cr.P.C

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(ii) of IPC, in Crime No.268 of 2019, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent and he has been falsely implicated in the above case. He further submitted that the petitioner was serving as Secretary to the Trust of Sri Padrakaliamman Kovil Manthai. He further submitted that the defacto complainant was the Treasure for the aforesaid Trust. He further submitted that in the year 2016 a sum of Rs.6,00,000/- (Rupees Six Lakhs Only) was collected from the people for the celebration of Sri Patrakaliamman Temple and the defacto complainant being a Treasurer, he was maintaining the accounts, but, he gave a false complaint before the learned Judicial Magistrate stating that the petitioner



herein has collected Rs.6,00,000/- (Rupees Six Thousand only) and after defraying the expenses of Rs.4,50,000/- (Rupees Four Lakhs Fifty Thousand only), he did not give account for Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) and the said complaint was referred to the respondent police under Section 156(3) of Cr.P.C. and based on the same, the respondent police has registered a case against the petitioner herein. He further submitted that since the defacto complainant is a Treasurer, as per the by-laws he only maintained the accounts and hence, the petitioner herein also filed a similar type of complaint before the concerned Judicial Magistrate and the said complaint was also referred to under Section 156 (3) of Cr.P.C. and based on the same, a case was registered in Crime No.269 of 2019 against the defacto complainant under Sections 406, 420 and 506(ii) of IPC. He further submitted that the petitioner has not committed any offence and therefore, he prayed for granting anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor has fairly conceded that based on the complaint given by the petitioner herein a case was registered against the defacto complainant in Crime No.269 of 2019 under Sections 406, 420 and 506(ii) of IPC. He further submitted that both the cases are case in counter relating to the misappropriation of funds of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) which was collected in the year 2016. He further submitted that the investigation is only at initial stage and hence, he strongly opposed this petition.

5.Taking into consideration of the fact that for the alleged offence committed in the year 2016, a complaint was filed only in the year 2019 and also the fact that the counter complaint has also been registered, this Court is inclined to grant anticipatory bail to the petitioner 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 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of fifteen days and thereafter, as and when required before the respondent police for interrogation.



(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
03/06/2019

/ TRUE COPY /

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

TO

- 1.The Judicial Magistrate No I, Madurai.
 - 2.The Chief Judicial Magistrate,
Madurai District.
 - 3.The Inspector of Police,
Theppakulam Police Station (Crime)
Madurai.
 - 4.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.
- +1. C.C. to Mr.S.Sukumar Advocate SR.No.9123

ORDER
IN
CRL OP (MD) No.7174 of 2019
Date : 03/06/2019

TK/PN/SAR-2/06.06.2019/3P/6C