



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.7938 of 2019

Rathinakumar,

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Sivagangai District.
(Cr.No.16 of 2019).

... Respondent/Complainant

For Petitioner : Mr.R.Anand,
Advocate.

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

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

PRAYER :-

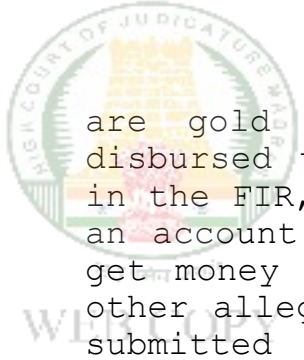
For anticipatory bail in cr.no.16 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 406, 420, 468, 471 and 120 (B) of IPC., in Crime No. 16 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is the son of accused No.1. He further submitted that as per the FIR, the accused No.1 was working as Appraiser in the Punjab National Bank, Karaikudi, from the year 1990 and he issued a false certificate saying that the spurious jewels



are gold jewels and based on the said certificate, loan was disbursed to the tune of Rs.38,26,000/-. He further submitted that in the FIR, it is simply stated that the petitioner herein is having an account in the said bank and used to come to the said bank and get money from his father and except the aforesaid allegation, no other allegations have been made against the petitioner. He further submitted that the petitioner is in no way connected with the aforesaid crime. He further submitted that already A1 was arrested and remanded to judicial custody and therefore, he prayed to grant anticipatory bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the accused No.1 himself pledged the spurious jewels in the said bank and gave the said money to the petitioner herein and hence, the petitioner herein is also involved in the above said crime. Therefore, he opposed this petition. However, he fairly conceded that already A1 was arrested and remanded to judicial custody.

5.Taking into consideration of the aforesaid submissions and also the fact that the petitioner herein has not been employed in the aforesaid bank, 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 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.II, Sivagangai District, 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 fail 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 three weeks 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 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 5560].

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

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/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI DISTRICT.
- 2.DO THRO'THE CHIEF JUDICAIL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to MR.R.ANAND, Advocate (SR-9626[I] dated 13/06/2019)

ORDER
IN
CRL OP(MD) No.7938 of 2019
Date :12/06/2019

dss
AE/JC/SAR-IV (18.06.2019) 3P 6C