



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

Date : 24/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9435 of 2019

G.Karthik @ Karthikeyan

... Petitioner/Accused No.4

Vs

State rep. by
The Inspector of Police,
District Crime Branch,
Sivagangai Police Station,
Sivagangai District.
(Crime No. 19 of 2019).

... Respondent/Complainant

For Petitioner : M/s.K. Myilsamy,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.19 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 Sections 403, 406, 477(A), 420, 294 (b), 506 (ii) and 120 (b) of IPC, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that as per the FIR, the defacto complainant is the distributor of Hindustan Unilever Limited for Karaikudi area and he is running business in the name of M/s.ACCE. In the year 2015, he appointed one Mr.Shanmugasundaram/A1 as his manager for maintaining his distributorship business in Karaikudi and he invested an amount to the tune of Rs.1.31 crores in the said business. During audit,



the defacto complainant was found that Mr. Shanmugasundaram/A1 along with the employees/A2 to A8 of his firm, misappropriated his funds to the tune of Rs.2.82 crores, which is inclusive of his total investment amount of Rs.1.31 crores. He further submitted that the petitioner is not working under the defacto complainant, but he is the employee of the Hindustan Unilever Limited and that being so, he is not at all concerned with the alleged misappropriation took place in the Firm of the defacto complainant. He further submitted that some of the co-accused persons in this case were already granted anticipatory bail by this Court and therefore he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the defacto complainant is the distributor of Hindustan Unilever Limited for Karaikudi area and he is running business in the name of M/s. ACCE. In the year 2015, he appointed one Mr. Shanmugasundaram/A1 as his manager for maintaining his distributorship business in Karaikudi. During the review by the Company, it was noticed that there was a significant drop in the sales, and hence, he opposed this petition. However he fairly conceded that some of the co-accused persons in this case were already granted anticipatory bail by this Court.

5. Taking into consideration of the fact that the defacto complainant is the distributor of the Hindustan Unilever Limited and that the petitioner is not working under the defacto complainant and on the contrary he is an employee of the Hindustan Unilever Limited and that it is not specifically stated in the FIR as to how the petitioner is responsible for the alleged misappropriation took place in the defacto complainant's Firm and also the fact that some of the co-accused persons in this case were already granted anticipatory bail by this Court, 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 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 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:

[a] if the petitioner fails 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 for the 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/-
24/07/2019

/ TRUE COPY /

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

TO

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

+1. CC to M/S.K. MYILSAMY Advocate SR.No.12306

ORDER
IN
CRL OP(MD) No.9435 of 2019
Date :24/07/2019

AAV
JMN/PN/SAR-1/07.08.2019/3P-6C