



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

Thursday, the Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.22686 of 2018
and
Crl.M.P. (MD) No.283 of 2019

1 D.VASUKI
2 D.VIGNESHWARAN

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
C2, SUBRAMANIPURAM POLICE STATION,
MADURAI.
(CRIME NO.1075/2018)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.K.SAMIDURAI, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)
For Intervenor : Mr.C.BETHANASAMY, Advocate

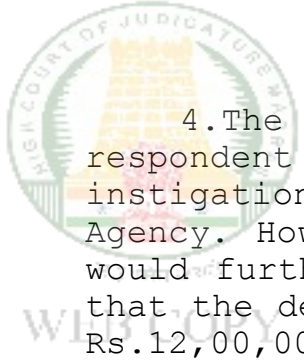
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 420 IPC in Crime No.1075 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner was the proprietor of one Vasuki Security Force, Madurai. On 03.10.2018, the defacto complainant was appointed as an Executive Director of the said company. Believing sugarmelted words of the petitioners, he gave Rs.3,44,000/- for giving salary to the staff of the company. However, the amount was not repaid. For which, the defacto complainant filed a complaint before the respondent police.

3.The learned counsel petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. The defacto complainant paid salary to the staff of the Security Agency in the capacity of Executive Director and claiming the same amount from the petitioners does not arise.



4.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that hardened money was paid on the instigation of the petitioners to the employees of the Security Agency. However, the amount was not repaid by the petitioners. He would further submit that another case is also registered alleging that the defacto complainant has swindled the amount to the tune of Rs.12,00,000/- from the company's fund.

5.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court No.IV, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain copies of their Aadhar cards or Bank pass Books to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 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]**; and;

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Consequently, connected Miscellaneous Petition is closed.

sd/-
07/02/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.IV, MADURAI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
C2, SUBRAMANIPURAM POLICE STATION, MADURAI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.K.SAMIDURAI Advocate SR.No.2734

ORDER

IN

CRL OP (MD) No.22686 of 2018
and

CrI.M.P. (MD) No.283 of 2019

Date : 07/02/2019

MS/VR/SAR-2/14.02.2019/3P.6C