



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

Monday, the Eleventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.20490 of 2018

K.SHAJIKUMAR

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT AT
NAGERCOIL.
IN CRIME NO.36 OF 2018

... RESPONDENT / COMPLAINANT

R.SUDHAKARAN

... PETITIONER/ INTERVENER

For Petitioner : Mr.M.R.SREENIVASAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

For Intervenor : Mr.C.MAYILVAHANA RAJENDRAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 403, 409, 477 A and 420 IPC, in Cr.No.36 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is working as Assistant Branch Manager in Gokulam Chit Fund and he misappropriated a sum of Rs.21,45,100/-, for which a complaint was given by the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner was initially working as Office Assistant and in 2016 he was promoted as Assistant Branch Manager. He would further submit that the petitioner did not commit any offence as alleged by



the prosecution. However, the learned counsel for the petitioner, on instructions, would submit that the petitioner is ready and willing to deposit a sum of Rs.6,00,000/- to the credit of Gokulam Chit Fund Branch at Chettikulam, Nagercoil, Kanyakumari District, without prejudice to his defence before the trial Court.

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4.The learned counsel appearing for the intervenor would submit that if the petitioner is ready to deposit, he has no objection in granting anticipatory bail to the petitioner.

5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.

6.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner shall deposit a sum of Rs.6,00,000/- to the credit of Gokulam Chit Fund Branch at Chettikulam, Nagercoil, Kanyakumari District, within a period of three weeks from the date of receipt of a copy of this order, without prejudice to his defence before the trial Court.

4.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of three weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Nagercoil, Kanyakumari 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)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;

(b)the petitioner shall report before the respondent police daily at 10.30 p.m., until further orders;

(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 229-A IPC.

sd/-

11/02/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL,
KANYAKUMARI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT AT NAGERCOIL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOKULAM CHIT FUND BRANCH AT CHETTIKULAM,
NAGERCOIL, KANYAKUMARI DISTRICT.

- +1. CC to Mr.M.R.SREENIVASAN Advocate SR.No.2844
+1CC TO Mr.C.MAYILVAHANA RAJENDRAN, Advocate, Sr No.2831

ORDER

IN

CRL OP(MD) No.20490 of 2018

Date :11/02/2019

MS/PN/SAR-3/15.02.2019/3P.8C