



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

Wednesday, the Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.15791 of 2018

R.BALAMURALI KRISHNA

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.ITS
THE INSPECTOR OF POLICE,
NORTH POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT.

... RESPONDENTS

MUTHUPANDI

... PETITIONER/INTERVENER

IN CRL MP(MD)No.7505/18
IN CRL OP(MD)No.15791/1/8

For Petitioner : MR.D.ANBARASU Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

For Intervenor : Mr.D.VENKATESH, Advocate

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest by the respondent for the offences punishable under Sections 406 and 420 IPC in Crime No.352 of 2018 and seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has misappropriated a sum of Rs.3,65,883/- in his working period in Mahalir Self Help Council.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged offence. However without prejudice to his contention he is willing to deposit a sum of Rs.3,65,883/- to the credit in Crime No.352 of 2018 and prayed for anticipatory bail.

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4.The learned Additional Public Prosecutor opposes to grant



anticipatory bail to the petitioner.

5. Since the petitioner voluntarily comes forward to deposit the disputed amount i.e., Rs.3,65,883/- to the credit of Crime No.352 of 2018, 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 Court, Karaikudi, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall deposit a sum of Rs.3,65,883/- (Rupees Three Lakhs Sixty Five Thousand Eight Hundred and Eighty Three Only) to the credit of Cr.No.352 of 2018 before the Judicial Magistrate Court, Karaikudi, Sivagangai District, without prejudice to his defence before the trial Court.

[c] the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/01/2019

/ TRUE COPY /

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

TO

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1. THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.



2.DO THRO' THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
NORTH POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.

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

+1. CC to MR.D.ANBARASU Advocate SR.No.40192

+1. CC to MR.D.VENAKATESH, Advocate SR.No.80

ORDER

IN

CRL OP(MD) No.15791 of 2018

Date :02/01/2019

AE/PN/SAR1/07.01.2019/3P/7C