



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

Date : 09/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP(MD) . No.10127 of 2019

S. Balakrishnan

... Petitioner/Accused No.1

Vs

State through the Inspector of Police, (CCW)
Criminal Investigation Department,
Theni.

(In Crime No.2 of 2018).

... Respondent/Complainant

For Petitioner : M/s.G.Prabhu Raja Durai,
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 cr.no.2 of 2018 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 406, 408, 420, 465, 468, 471 and 120(B) of IPC in Crime No.2 of 2018, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has submitted that the allegation against the petitioner is that when he was working as in-charge Secretary of the Bodinayakanur Co-operative House building Society, he sold the property to the lesser value and caused loss of Rs.2,94,39,943/- to the society. He further submitted that the petitioner has sold the properties only as per the rate fixed by the Board and hence, he has not committed any offence as alleged by the prosecution. He further submitted that it is not the case of the prosecution that the petitioner has sold the properties to the higher value and gave credit to the society only lesser amount. He further submitted that already surcharge proceedings has been initiated. He further submitted that already A2 was arrested and remanded to judicial custody and subsequently, he was released on bail. Hence, he prayed to grant anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that the petitioner has sold the house sites to the lesser value and caused huge loss to the society and hence, he opposed this petition.

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5.The allegation against the petitioner is that he sold the properties to the lesser value and caused loss to the society. It is not the case of the prosecution that the petitioner has sold the properties to the higher value and gave credit to the society only lesser amount and he got any monetary benefit. In respect of the loss caused to the society already surcharge proceedings has been initiated.

6.Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners by imposing conditions.

7.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.3, Madurai, 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 fails 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 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.R.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.

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III,
MADURAI.
- 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE, (CCW)
CRIMINAL INVESTIGATION DEPARTMENT,
THENI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate
(SR-13368[I] dated 09/08/2019)

ORDER
IN
CRL OP(MD) No.10127 of 2019
Date :09/08/2019

VSG
ES/PN/SAR 3/22.08.2019/3P/6C