



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

Date : 01/07/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
CRL OP(MD) . No.5749 of 2020

WEB COPY
Srinivasan

... Petitioner/Sole Accused

Vs

The State through
The Inspector of Police,
Ccb, Trichy District.
(Crime No. 3/2020).

... Respondent/Complainant

For Petitioner : M/s.R.Murugappan,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

For Intervenor : Mr.M.Sridharan

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

PRAYER :-

For Anticipatory Bail in Crime No. 3/2020 on the file of the
respondent police.

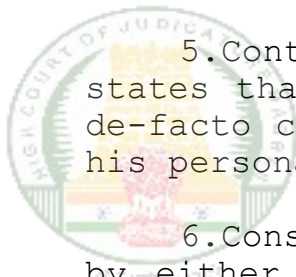
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner, the
learned counsel appearing for the intervenor and the learned
Additional Public Prosecutor appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under Sections 408,
417 and 420 of I.P.C., in Crime No.3 of 2020, on the file of the
respondent police, seeks anticipatory bail.

3.The petitioner herein who was working as a Manager in the de-
facto complainant's company, is alleged to have misappropriated more
than Rs.1,00,00,000/-.

4.The learned counsel appearing for the petitioner would state
that there was no misappropriation, but by threat and force his
property was registered in the name of the de-facto complainant
company. Against this, he gave a private complaint under Section
156(3) of Cr.P.C. As a counter blast to his private complaint, the
present complaint was filed on 17.03.2020 and in any event, the
petitioner states that he is ready to co-operate and submit all the
accounts in the course of the investigation and there is no
necessity for arresting him.



5. Contrarily, the learned counsel appearing for the intervenor states that, the petitioner while serving as Branch Manager of the de-facto complainant company at Trichy diverted the company fund to his personal account and purchased several properties.

6. Considering the rival submissions and the records furnished by either parties, this Court is of the opinion that the present complaint for which, the petitioner herein seeks anticipatory bail is the sequence of earlier complaint given by the petitioner under Section 156(3) of Cr.P.C., and taken for investigation. It is a matter for investigation. Whether the breach of trust or cheating is involved in the transaction. We cannot pre-conclude *prima facie* element of culpable mental state. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.5, Trichy District, on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh 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) 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) petitioner shall report before the respondent police daily at 10.30 a.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]**; and;

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

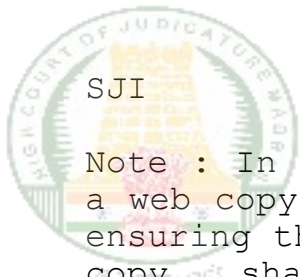
sd/-

01.07.2020

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



SJI

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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TO

1. The Judicial Magistrate Court No.5,
Trichy District.
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Ccb, Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.5749 of 2020

Date : 01/07/2020

VB SKN SAR 3 (03.07.2020) 3P 5C