



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

Date : 06/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL.O.P.(MD).No.6369 of 2020

K.Marimuthu @ Mahesh : Petitioner/Accused No.13

Vs.

State rep. by
The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
(In Crime No. 85 of 2019) : Respondent/Complainant

For Petitioner : Mr.A.Balaji, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 438 OF THE CODE OF
CRIMINAL PROCEDURE.

PRAYER :-

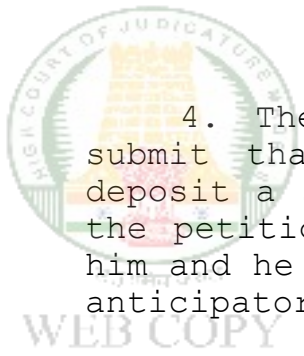
For Anticipatory Bail in Crime No.85 of 2019 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.13, apprehending
arrest at the hands of the respondent police for the offences
punishable under Sections 406, 420 and 381 of the Indian Penal Code
in Crime No.85 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the *defacto* complainant
is the Manager of Premier Mills, Chathirapatti and the accused are
the employees working under the *defacto* complainant. The allegation
is that the petitioner and other accused said to have entered
criminal conspiracy and stolen filled cheque book and unfilled
cheque book of Canara Bank and cash of Rs.5,00,000/- [Rupees Five
Lakhs only] from the Mill. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and
the learned Government Advocate (Criminal Side) appearing for the
respondent.



4. The learned counsel appearing for the petitioner would submit that Accused No.1 was released on bail on condition to deposit a sum of Rs.2 Lakhs [Rupees Two Lakhs only] and insofar as the petitioner herein is concerned, there is no allegation against him and he has been falsely implicated in this case. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (Criminal Side), on instructions, submitted that all the accused have conspired together and stolen Rs.5 Lakhs [Rupees Five Lakhs only] and the said amount is not recovered from the accused so far. He further submitted that Accused No.1 was released on bail on condition that he should deposit a sum of Rs.2 Lakhs [Rupees Two Lakhs only] and he has also deposited the said amount.

6. On perusal of the First Information Report, it could be seen that Accused No.1 said to have taken Rs.1 Lakh [Rupees One Lakh only] and the other accused in this crime have shared each Rs.35,000/- (Rupees Thirty Five Thousand Only) and the petitioner herein has also shared the stolen amount. However, considering the facts and circumstances of the case, 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 his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

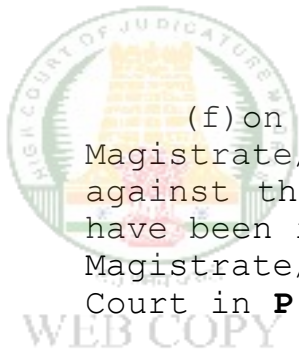
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of Crime No.85 of 2019 before the learned Judicial Magistrate, Rajapalayam.

(c) the petitioner shall report before the respondent police 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]**; and;

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

sd/-
06/08/2020

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

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.

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
KEELARAJAKULARAMAN POLICE STATION, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6369 of 2020
Date :06/08/2020

MS/JC/SAR-2/13.08.2020/3P.5C