



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

Date : 28/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7314 of 2020

Naganathan

... Petitioner/Accused No.5

Vs

The State rep.by
The Inspector of Police,
District Crime Branch (DCB),
Ramanathapuram,
Ramanathapuram District.
Crime No.38/2020.

... Respondent/Complainant

For Petitioner : M/s.D.Balamurugapandi,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr.no.38 of 2020 in the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections
409,420,109 of IPC seeks anticipatory bail.

2. Heard both sides.

3.The petitioner herein is arrayed as A5. The case of the
prosecution is that A1 in this case was engaged by the defacto
complainant to collect rent from the tenants and A1 is said to
have collected rent through cheques from the tenants and deposited
the cheque by creating forged accounts in the name of petitioner
along with other accused persons, who were working in the school and
withdrawn the amount. Hence the complaint.



4. The learned counsel for the petitioner would submit that the occurrence is said to have taken place from the year 2013-2020 and he never indulged in any misappropriation. He would also submit that similarly placed co-accused in this case was released on bail by this Court. However, on instructions, he would further submit that the petitioner will voluntarily to deposit a sum of Rs. 40,000/- without prejudice to his defence before the trial court in the crime account

5. The learned Government Advocate(Crl.Side) would submit that the A1 was entrusted to collect the rent from the tenants and infact A1 has collected rent through cheques and deposited the same in the name of the petitioner and others working the said school and withdraw the said amount. He would also submit that co-accused in this case was granted bail by this Court.

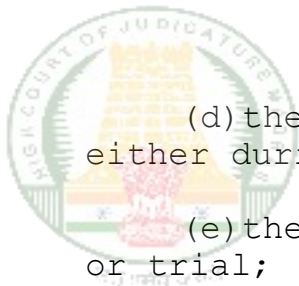
6.Taking note of the above facts and circumstances of the case and also taking note of the fact that the occurrence is said to have taken place in the year 2013-2020 and the complaint has been given on 12.06.2020 and also the fact that similarly placed co-accused in this case were released on bail by this Court and also taking note of the fact that the petitioner is ready and willing to deposit Rs.40,000/- before the trial Court in the crime account, 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 No.II, Ramanathapuram on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 shall deposit a sum of Rs.40,000/-(Rupees Forty Thousand only) to the credit of Crime No.38 of 2020 before the Judicial Magistrate No.II, Ramanathapuram, Ramanathapuram District without prejudice to his defence and only on such deposit the learned Magistrate shall accept the sureties.

(b)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;

(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;

WEB COPY (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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/07/2020

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/ /2020
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 NO.II
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.D.BALAMURUGAPANDI Advocate SR.No.5839

ORDER
IN
CRL OP(MD) No.7314 of 2020
Date :28/07/2020

AAV
TK/PN/SAR.2/29.07.2020/3P/6C