



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2020

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PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.9072 of 2020

Immanuel

... Petitioner/Rank not known

Vs

The State rep. by
The Inspector of Police,
CCIW.CID Ramanathapuram,
Ramnad District
Crime No. 01 of 2018.

... Respondent

For Petitioner : Mr.P.Edinbrough, Advocate.

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

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

PRAYER :-

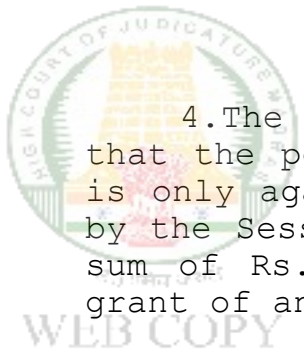
For Anticipatory Bail in Crime No. 01 of 2018 on the file of the respondent police

ORDER : The Court made the following order :-

Totally there are six accused in this case. The petitioner, who is arrayed as accused No.rank not known, apprehending arrest at the hands of the respondent police for the offence punishable under sections 408, 409, 465, 468, 471 and 477(A) r/w Section 120(b) of IPC, in Crime No.01 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A3 is the wife of the petitioner and she was working as a Junior Assistant in Cooperative Society. The allegation against A3 is that she along with other accused said to have misappropriated to the tune of Rs.95,00,000/-. Hence, the present complaint. Since some amount, which was misappropriated by A3, has been transferred to the petitioner's account, who is being the husband of A3, he was also arrayed as accused in this Case.

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 submitted that the petitioner is the husband of A3 and the entire allegation is only against his wife and she was arrested and released on bail by the Sessions Court on the ground that A3 had already deposited a sum of Rs.16,00,000/- in Co-operative Bank. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the investigation, reveals that the petitioner's wife along with other accused misappropriated a sum of Rs.95,00,000/-. After the enquiry, the crime has been dropped as against A4,A5 and A6. He further submitted that the petitioner's wife so far deposited a sum of Rs.16,00,000/- in cooperative Bank.

6.Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the FIR, it is seen that the entire allegation is only against his wife and she has transferred the misappropriated amount to the petitioner's account, now it is stated that A3 also deposited a sum of Rs.16,00,000/-. Considering the above circumstances and there is no specific allegation against the petitioner for misappropriation, but the misappropriated amount has been transferred to the petitioner's account, hence, I am 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-I, Ramanathapuram, Ramnad District, 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.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.01 of 2018 before the learned Judicial Magistrate-I, Ramanathapuram, Ramnad District, within a period of four weeks without prejudice to his rights and contentions before the trial Court ;

(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
<https://hccs.courts.gov.in/hccservices> 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.

8. Post on 28.09.2020 under the caption 'For Reporting compliance'.

sd/-
01/09/2020

/ TRUE COPY /

/ /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.I,
RAMANATHAPURAM, RAMNAD DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
CCIW.CID RAMANATHAPURAM,
RAMNAD DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.9072 of 2020
Date : 01/09/2020

VSG

<https://hservices.records.gov.in/hservices/> SPS/AKM/ SAR-IT/ 08.09.2020/ 3P/5C