



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10768 of 2020

K.N.Eswaran

... Petitioner/Accused No.1

Vs

The Inspector of Police,
Vilakuthoon Police Station,
Madurai.

Crime No.61 of 2020.

... Respondent/Complainant

For Petitioner : Mr.T.Lajapathi Roy,
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 Crime No.61 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 379, 420, 406, 408 and 120(B) of I.P.C., in Crime No.61 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running Textiles shop, in which, the petitioner was one of the employees. The defacto complainant came to know that his production sarees are available in the market much less than price as fixed by the defacto complainant and he found that the stocks in his shop are decreasing. On 04.04.2019, the defacto complainant questioned the petitioner about the stocks and he confessed that he has stolen 1000 sarees worth about Rs.5 lakhs. Hence, the present complaint.



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

4. The learned counsel appearing for the petitioner submitted that the petitioner is working as employee under the defacto complainant for the past 13 years. He further submitted that the petitioner has already given property documents that stands in the name of his wife to the defacto complainant as security. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent Police submitted that the petitioner said to have stolen 1000 sarees worth about Rs.5,00,000/- from the defacto complainant's shop. Hence, the crime has been registered.

6. On perusal of the records, it is seen that the petitioner is the sole accused and he said to have stolen 1000 sarees worth about Rs.5,00,000/- from the defacto complainant's shop. Due to which, the petitioner has already given property documents that stands in the name of his wife to the defacto complainant as security.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioner has already given wife's property documents to the defacto complainant as security, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit the property documents that stands in the name of his wife, which is not less than value of Rs.5,00,000/- with proper value certificate, to the credit of Crime No.61 of 2020 before the learned Judicial Magistrate No.1, Madurai. On such deposit, 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.1, Madurai, 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 shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

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

sd/-

07/10/2020

/ 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, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
VILAKUTHOON POLICE STATION,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.10768 of 2020

Date : 07/10/2020

VSG

TE/AKM/SAR-III : 14/10/2020 : 3P/5C