



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2020

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PRESENT

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

CRL OP(MD) .No.11489 of 2020

Arasan Roy

..Petitioner/Sole Accused

Vs

The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
Crime No.55 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Baskar Mathuram
Advocate
for M/s.Mathuram Law Associates
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)
For Intervenor : Mr.D.Bala Muruga Pandi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.55 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for an offence punishable under Section 420 IPC, in Crime No.55 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working in abroad. Since he has no family members in India, he permitted the petitioner to operate his account. Utilizing the said circumstances, the accused has withdrawn a sum of Rs.5,59,000/- from the account of the defacto complainant. It is further alleged that on the complaint lodged by the defacto complainant, the petitioner has repaid only a sum of Rs.1,00,000/- (Rupees One lakh



only) and without paying the remaining amount, this petitioner approached this Court for granting anticipatory bail.

3. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the intervener/defacto complainant and the learned Government Advocate (Crl.Side) appearing for the respondent.

4. The learned Counsel appearing for the petitioner submitted that the petitioner is ready and willing to deposit substantial amount to the defacto complainant.

5. The learned counsel appearing for the intervener/defacto complainant submitted that the petitioner was permitted to operate his account and thereby, he had stolen a sum of Rs.5,59,000/- from the account of the defacto complainant without his knowledge and also without his permission. He further submitted that the petitioner has also repaid a sum of Rs.1,00,000/- and without paying remaining amount the petitioner approached this Court for granting anticipatory bail.

6. The learned Government Advocate (Crl.Side), appearing for the respondent police vehemently opposed to grant anticipatory bail to the petitioner.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner shall pay a sum of Rs.2,50,000/- (Rupees Two lakhs Fifty thousand only) to the defacto complainant directly and on producing of acknowledgement, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 four weeks and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness



(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/10/2020

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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 NO.II,
RAMANATHAPURAM.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-7186[I] dated 28/10/2020)

+1 CC to M/s.BASKAR MATHURAM, Advocate (SR-7219[I] dated 02/11/2020)

ORDER

IN

CRL OP(MD) No.11489 of 2020

Date :28/10/2020

vsd

<https://hccs.csls.gov.in/Services/05.11.2020> 3P 7C