



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

Date : 29/10/2020

PRESENT

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

CRL OP(MD) . No.11682 of 2020

1. R.Kowsalya
2. R.Sangeetha

... Petitioners/Accused 1 & 2

Vs

The Inspector of Police,
Jaihindpuram Police Station,
Madurai City.

... Respondent/Complainant

For Petitioners : M/s.S.Selvakumar,
Advocate.

For Respondent : Mr.R. Erottuchamy,
Government Advocate (Crl.Side)

For Intervener : Mr.J.Vijayaraja, Advocate

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

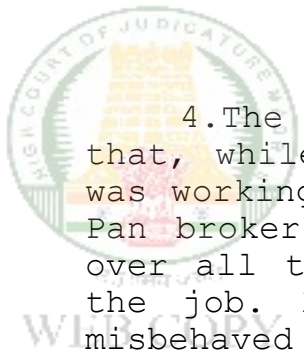
PRAYER :- For an Anticipatory Bail in Cr NO.1165 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ A-1 & A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 406 & 420 of IPC, in Crime No.1165 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that while the the first petitioner/A-1 was working under the defacto complainant in his Pan broker shop and during that period, she has misappropriated to the tune of Rs.21,86,000/-(Twenty One Lakhs and Eighty Six Thousand Only) with connivance of her mother, namely; the second petitioner herein/A-2. Hence, the complaint.

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

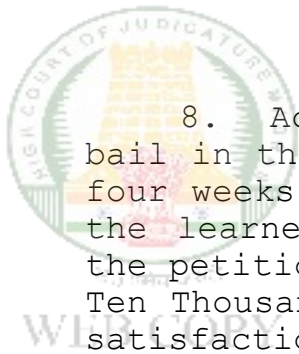


4. The learned counsel appearing for the petitioners submitted that, while the first petitioner was studying under graduation she was working as Accountant in part time in the defacto complainant's Pan broker shop. While being so, due to her illness, she handed over all the accounts to one Fathima and thereafter she left from the job. He further submitted that the defacto complainant has misbehaved with the first petitioner and as such she left from her job and thereafter, the defacto complainant used to threaten the first petitioner with false allegations and also threatened that he will foist a false case as against the first accused and thereafter, the first petitioner has lodged a complaint before the Commissioner of Police, Madurai on 15.09.2020. Infact, the said complaint was enquired by the police officials and its pending. While being so, on 23.09.2020 the present false complainant has been preferred as against the petitioners including the mother of the first petitioner with false allegations. Hence, he seek anticipatory bail.

5. The learned counsel appearing for the intervener submitted that while, the first petitioner was working as Accountant in the Pan broker shop run by the defacto complainant, she has misappropriated to the tune of Rs.21,86,000/- connivance with her mother. He further submitted that, infact, she also connivance with the other Accountant, namely; Fathima and misappropriated huge sum from the defacto complainant and only after complaint lodged by the defacto complainant came to understand that the amount was misappropriated from the savings account, sofar nothing recovered from the petitioners and hence, custodial interrogation of the petitioners is very much required in this case.

6. The learned Government Advocate (Crl. Side), on instructions, submitted that totally there are two accused in this case and the petitioners were worked as Staff in the defacto complainant's Pan broker shop. He further submitted that the petitioners used to took amount illegally and cheated the defacto complainant to the tune of Rs.21,86,000/-and the same was came to know by the defacto complainant from CCTV footage.

7. It is seen from the records that there are totally two accused in this case. The first petitioner is daughter of the second petitioner. Admittedly, the first petitioner was working under the defacto complainant in his Pan broker shop and there was misbehaved by the defacto complainant and as such the first petitioner has lodged a complaint before the Commissioner of Police, Madurai, on 15.09.2020. It was also enquired by the police officials and it is pending. After the said complaint, the defacto complainant has lodged the present complaint on 23.09.2020 with the above said allegations. Further, in the Pan broker shop, it is not at all possible for the petitioners to loot huge sum within a short span of time. In view of the aforesaid reasons, this Court is inclined to grant anticipatory bail to the petitioners.



8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall appear before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/10/2020

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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.IV, MADURAI.

<https://hcservices.ecourts.gov.in/hcservices/>



2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
JAIHINDPURAM POLICE STATION, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.11682 of 2020
Date : 29/10/2020

KSA
AE/AKM/SAR-II (04.11.2020) 4P 5C