



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2020

PRESENT

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

CRL OP(MD) . No.11929 of 2020

Thiravidalingam

... Petitioner/1st Accused

Vs

The State Rep by its,
Sub-Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
Crime No.589 of 2020.

... Respondent/Complainant

For Petitioner : M/s.N.Ramesharumugam,
Advocate.

For Respondent : 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.589 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 409 and 420 of I.P.C., in Crime No.589 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner /first accused was working as Supervisor of TASMACH Shop No.9946 and the second accused was working as sales man in the same shop. On the date of occurrence, when the District Manager and other officials conducted auditing, it was revealed that the accused persons has swindled the amount to the tune of Rs.6,21,700/- and caused loss to the TASMACH shop. Hence, the 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 for the petitioner submitted that the petitioner is an innocent person and he has committed any offence as alleged by the prosecution. However, the petitioner was ready and willing to deposit a sum of Rs.2 lakhs. But without giving an opportunity, the respondent police registered the case as against the petitioner. Now also the petitioner is ready and willing to deposit a substantial amount to show his *bonafide*.

5. The learned Government Advocate (Criminal Side) submitted that there are two accused. The petitioner is the first accused and while he was working as Supervisor in TASMAC shop No.9946, he has swindled a sum of Rs.6,21,700/-. It was revealed only when auditing was conducted.

6. Considering the facts and circumstances of the case, this Courts 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 on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.3, Thoothukudi, and on his executing 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:

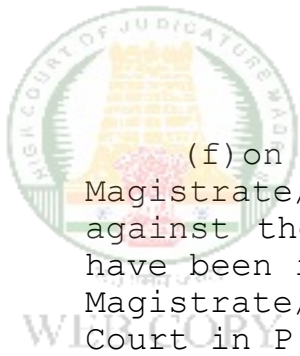
a)the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of District Manager, TASMAC, Tuticorin District *within a period of four weeks* without prejudice to his rights and contention before the trial Court.

(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 daily at 10.30 a.m for a period of two weeks and thereafter, 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



(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.

sd/-
03/11/2020

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

COPY TO: THE DISTRICT MANAGER,
TASMAC, TUTICORIN DISTRICT.

+1 CC to M/s.N.RAMESH ARUMUGAM, Advocate (SR-7305[I] dated 04/11/2020)

ORDER IN
CRL OP(MD) No.11929 of 2020
Date : 03/11/2020

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<https://hccs.csls.gov.in/Services/18.11.2020> 3P 7C