



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2020

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PRESENT

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

CRL OP(MD). No.13530 of 2020

Lakshmanan

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
District Crime Branch,
Tuticorin District.
Crime No. 18/2020.

... Respondent/Complainant

For Petitioner : Mr.K.Jeyamohan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 18 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :

The petitioner, who is arrayed as Accused No.1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 408, 409, 420, 477(A), 381, 120(b) and 34 of IPC, in Crime No.18 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant along with Assistant Manager have inspected the TASMACH retail pending shop No.9991 situated at 3/306-B, Adaikalapuram Subway, Arumuganeri Main Road, Veerapandianpatinam Village, Tiruchendur, and found that the petitioner along with other accused persons said to have misappropriated to the tune of Rs.1,74,95,810/-. Hence, the present complaint.

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



4.The learned counsel appearing for the petitioner submitted that the petitioner was working as supervisor in the TASMAC retail pending shop No.9991 situated at 3/306-B, Adaikalapuram Subway, Arumuganeri Main Road, Veerapandianpatinam Village, Tiruchendur. He further submitted that the petitioner did not involve any crime as alleged by the prosecution. He further submitted that as per the rules and regulations, the inspection should be conducted on the presence of the supervisor and other bearers, in the present case without presence of the petitioner, the inspection has been conducted as such entire allegations are foisted as against the petitioner. 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 defacto complainant along with Assistant Manager have inspected the TASMAC retail pending shop No.9991 situated at 3/306-B, Adaikalapuram Subway, Arumuganeri Main Road, Veerapandianpatinam Village, Tiruchendur, and found that the petitioner along with other accused persons said to have misappropriated to the tune of Rs.1,74,95,810/-.

6.It is seen that totally there are eight accused, in which, the petitioner has been arrayed as A1. It is also seen that the petitioner was a Supervisor in the TASMAC Shop and the other accused persons have misappropriated to the tune of Rs.1,74,95,810/-. Now, the learned counsel appearing for the petitioner is ready and willing to deposit the title over the property that stands in his name. In respect of the other accused, the respondent has recovered a sum of Rs.17 lakhs.

7.Considering the facts and circumstances of the case and also considering the fact that there is no other serious allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is directed to deposit the title over the property that stands in his name, which is not less than value of Rs.60,00,000/- with proper value certificate from revenue officials, to the credit of Crime No.18 of 2020 before the learned Judicial Magistrate No.IV, Tuticorin. On such deposit, 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 learned Judicial Magistrate No.IV, Tuticorin, 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:

<https://hcservices.ecourtstg.in/hcservices/> 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 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/-

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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, TUTICORIN.
2. -DO- THOROUGH: THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.13530 of 2020

Date : 30/11/2020

VSG

<https://hcma.cslmrtg.gov.in/hcma/08.12.2020/3P/5C>