



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/12/2020

PRESENT

WEB COPY

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

CRL OP(MD).No.15058 of 2020

M.Sureshkumar

... Petitioner/Accused No.2

Vs.

The State through,
The Inspector of Police,
CCB,
Trichy District.
Crime No.3 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Murugappan, Advocate.

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

For Intervenor : Mr.Jameel Arasu, Advocate

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

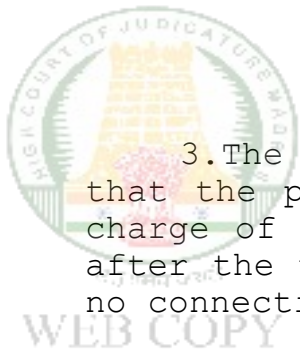
PRAYER :-

For Anticipatory Bail in Crime No.3 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 408, 417 and 420 IPC, in Crime No.03 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the seller of the tiles in the name and style of KAG India (P) Ltd. It has various branches in all over Tamil Nadu. This petitioner was working as a Godown in-charge of the defacto complainant's Company. When A1 was working as a Manager of the defacto complainant's Company at Trichy Branch, he did not account the money, which was collected from various branches for supply of tiles and also without any proper invoice, he supplied tiles to various retailers. Thereby, A1 along with other accused persons misappropriated to the tune of Rs.1,16,37,948/-. Hence, the



3.The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2. He is working as Godown in-charge of the defacto complainant's Company. His duty was to look after the tiles, which were kept in the Godown. Except this he has no connection with the allegations levelled in this case.

4.The learned Government Advocate (Crl.side) submitted that there are totally four accused, in which the petitioner is arrayed as A2. The defacto complainant is the manufacture of tiles in the name of style of KAG India (P) Ltd. It has various branches all over Tamil Nadu. The petitioner was working as Godown in-charge. A1 was working as Manager at Trichy Branch. Since, the petitioner was working as Godown in-charge, he would have known the actions to be done by the other accused and he also colluded with them in the crime. Therefore, the custodial interrogation of the petitioner is necessary. Therefore, he prays for dismissal of this petition.

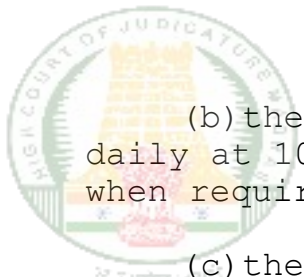
5.It is seen that A1 was granted anticipatory bail by this Court in Crl.O.P(MD)No.5749 of 2020 vide order dated 01.07.2020 and A4 was granted anticipatory bail by this Court in Crl.O.P.(MD) No.14180 of 2020, dated 07.12.2020. There is no averment as against the petitioner in the suit filed by the defacto complainant in O.S.No.131 of 2020 on the file of the III Additional District Court, Madurai.

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

7.Accordingly, the petitioner shall deposit the original title deed stands in the name of the petitioner or his relatives or his friends, not less than the value of Rs.25,00,000/- (Rupees Twenty five Lakhs only) with the proper valuation certificate issued by the Revenue Officials not below the Rank of Revenue Divisional Officer to the credit of Crime No.3 of 2020 on the file of the the learned Judicial Magistrate No.V, Trichy District. 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.V, Trichy District, 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

<https://hdservices.resouce.gov.in/hdservices/identity>;



(b)the petitioner shall report before the respondent police daily at 10.00 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/-
17/12/2020

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

ORDER IN
CRL OP(MD) No.15058 of 2020
Date :17/12/2020

VSD

<https://hccpcsb.gov.in/ncs/2020/3P/5C>