



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

Date : 17/12/2020

WEB COPY

PRESENT

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

CRL OP(MD).No.15063 of 2020

1.Mohan Raj
2.Babu Raj

...Petitioners/Accused Nos.2&3

Vs

The State rep. by
The Inspector of Police,
DCB Police Station
Thanjavur District.
Crime No.21 of 2020.

... Respondent/Complainant

For Petitioners: Mr.Prabhu Rajadurai, Advocate
for Mr.J.John Raja Durai, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

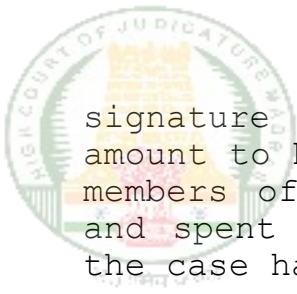
PRAYER :-

For Anticipatory Bail in Crime No.21 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 & A3, apprehending arrest at the hands of the respondent police for the offence punishable under sections 409, 465, 466, 467, 468, 471, 477A & 420 IPC, in Crime No.21 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that while the first accused was working as a Head Clerk in the Motor Accident Claims Tribunal, Pattukkottai, Thanjavur District from 26.12.2018 to 25.10.2019. He misappropriated the amount to the tune of Rs.1,09,55,123/- by fabricating the cheques and also signature of the Presiding Officer. Further it is alleged that the first accused, while disbursing the amount to the client, had fabricated the cheques and also obtained



signature from the Presiding Officer and transferred the entire amount to his Bank account. From the crime proceeds, all the family members of the first accused purchased several properties and Car and spent the money for getting job for the third accused. Hence, the case has been registered.

WEB COPY

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

4. The learned counsel appearing for the petitioners submitted that the petitioners are arrayed as A2 and A3. Both are happen to be the sons of the first accused. They have falsely roped in this case. The first petitioner is the Doctor and the 2nd petitioner is the Engineer by profession and they were working separately and they have no connection with the crime as alleged by the prosecution. He further submitted that A1 and A4 namely, the parents of the petitioners were arrested and remanded to judicial custody. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (Criminal Side), on instructions, submitted that there are totally four accused, in which the petitioners are arrayed as A2 and A3. When the first accused was working in the Motor Accident Claims Tribunal, Pattukkottai, Thanjavur District, misappropriated to the tune of Rs.1,09,55,123/- by fabricating the cheques and also signature of the Presiding Officer. From the crime proceeds, all the family members purchased several properties and Car and spent money for getting job for the third accused. He further submitted that A1 and A4 were arrested and remanded to judicial custody. Therefore, the custodial interrogation of the petitioners is also necessary in this case. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

6. It is seen that there are totally four accused, in which the petitioners are arrayed as A2 and A3. Admittedly the first accused was working as a Head Clerk in the Motor Accident Claims Tribunal, Pattukkottai, Thanjavur District from 26.12.2018 to 25.10.2019. He misappropriated the amount to the tune of Rs.1,09,55,123/- by fabricating the cheques and also signature of the Presiding Officer. Now A1 and A4 were arrested and remanded to judicial custody. The learned Government Advocate (Criminal side) submitted that so far no recovery is made from A1 and A4. However, the learned counsel for the petitioners submitted that to show their *bona fide*, the petitioners are ready and willing to deposit the original title deed for their substantial amount.

7. Considering the above facts and circumstances of the case and considering the fact that the petitioners are sons of the first accused, this Court is inclined to grant anticipatory bail to the



8. Accordingly, the petitioners shall deposit the original title deed jointly stands in the name of the petitioners or their relatives or their friends, not less than the value of Rs.15,00,000/- (Rupees Fifteen lakhs only) with the proper valuation certificate issued by the Revenue Officials not below the Rank of Tahsildar to the credit of Crime No.21 of 2020 on the file of the learned Judicial Magistrate, Pattukottai. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, 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 report before the respondent police daily at 10.30 a.m. until further orders;

(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.

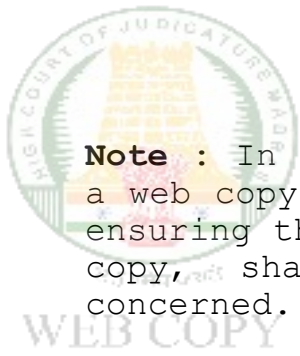
sd/-

17/12/2020

/ 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,
PATTUKOTTAI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
DCB POLICE STATION
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-8370[I] dated 21/12/2020)

ORDER
IN
CRL OP(MD) No.15063 of 2020
Date :17/12/2020

VSD
SRS/KV/SAR-II/28.12.2020/4P/6C