



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

Date : 21/12/2020

PRESENT

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

CRL OP(MD) . No.15343 of 2020

Kannan ... Petitioner/Sole Accused

Vs

State through
The Sub-Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.1211/2020). ... Respondent/Complainant

For Petitioner : Mr.D.Dhana Chandra Prakash,
Advocate.

For Respondent : Mr.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. 1211 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 408 and 420 of IPC, in Crime No.1211 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner while he was working as Manager of One Mahaveer Finance India Ltd., did not remit Rs.4,64,165/-, which was collected as installments from various customers during February 2020. In fact the petitioner was working as Manager of the said Finance Company from the year 2018. Suddenly during the month of February 2020, the management of the said finance company alleged that Rs.4,64,165/- is found as deficit. Hence, the present 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 appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready and willing to deposit a sum of Rs.1,50,000/-. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side), appearing for the respondent Police submitted that while he was working as Manager of One Mahaveer Finance India Ltd., did not remit Rs.4,64,165/-, which was collected as installments from various customers during February 2020. In fact the petitioner was working as Manager of the said Finance Company from the year 2018. Suddenly during the month of February 2020, the management of the said finance company alleged that Rs.4,64,165/- is found as deficit.

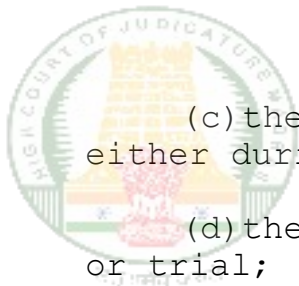
6. It is seen that the petitioner is the sole accused. The petitioner has misappropriated a sum of Rs.4,64,165/- from the Mahaveer Finance India Limited. However, the petitioner is ready and willing to deposit sum of Rs.1,50,000/-.

7. Considering the facts and circumstances of the case and also considering the fact that there is no other serious allegations 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 a sum of Rs.1,50,000/- to the credit of Crime No.1211 of 2020 before the concerned Court. 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, Sivakasi, 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 to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three 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;

WEB COPY (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/-

21/12/2020

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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, SIVAKASI.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.THE SUB- INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to Mr.J.JEYAKUMARAN, Advocate in SR.No.8412

ORDER IN

CRL OP(MD) No.15343 of 2020

Date :21/12/2020

vsg

<https://hccs.csls.gov.in/Case/06/01/2021>) 3P / 6C