

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Thirtieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.4931 of 2021

MALLIGA

[ PETITIONER / ACCUSED ]

Vs

THE STATE REP.BY  
INSPECTOR OF POLICE,  
SIVA KANCHI POLICE STATION,  
KANCHEEPURAM DISTRICT.  
CR.NO.298 OF 2021.

[ RESPONDENT ]

For Petitioner : M/S.K.THIRUMARAN Advocate

For Respondent : MR.T.SHUNMUGA RAJESWARAN,  
Government Advocate (crl.side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 447,294(b), 506(i),420 and 109 of IPC. in Crime No.298 known of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the daughter of the petitioner is an employee under the defacto complainant's shop and she has misappropriated funds of the shop to the tune of Rs.7,02,622/- and the same was questioned by the defacto complainant, due to which there was a wordy quarrel among them. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the daughter of the petitioner misappropriated funds belonging to the defacto complainant and when the same was questioned by the defacto complainant, there was a wordy quarrel among them and the petitioner along with other accused attacked the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact that only due to money dispute the occurrence said to have taken place, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, No.I, Kancheepuram 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 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 Court concerned 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 two 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-  
30/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT  
NO.I, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
SIVA KANCHI POLICE STATION,  
KANCHEEPURAM DISTRICT.

+1 CC to M/S.K.THIRUMARAN Advocate on payment of necessary charges  
SR.No.5664

CRL OP.4931/2021

Date :30/04/2021

cs 27/05/2021

WEB COPY