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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.25258 of 2021

1 C.KAMAL [PETITIONERS / ACCUSED]
2 C. KAVITHA

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
DISTRICT CRIME BRANCH,
THIRUVANNAMALAI DISTRICT.
(CRIME NO.12/2019)

For Petitioner : M/S.V.RAGHAVACHARI Senior Counsel for
M/S.B.THIYAGARAJAN Advocate

For Respondent : MR. S.BALAJI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 of I.P.C. in Cr.No.12 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's company is running a business related to maintenance of cereal under the instructions of concern Banks in the name and style of M/s.National Collateral Management Services Limited and such cereals are the mortgage property of the Banks against the loans issued by the Banks. Whileso, the first petitioner obtained a mortgage loan in his name and his sister's name from Karur Vaisya Bank and Central Bank of India, Arani Branch against 25,600 bags of paddy and rice and later during the routine audit it was found that there was shortage of 6818 bags. Hence, the F.I.R.

3.The learned Senior Counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that the earlier petition seeking anticipatory bail filed by the petitioners was dismissed on the ground that the petitioners and employees of the defacto

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complainant colluded and stolen the paddies. However, on instructions, the learned Senior Counsel further submitted that the petitioners, without prejudice to their rights before the trial Court and to file complaint against the defacto complainant, are ready to pay the entire amount i.e., the value of 6818 bags directly to the Banks, within a period of four weeks from the date of receipt of a copy of this order.

4.The learned Government Advocate (Criminal Side) raise no serious objection.

5.Considering the fact that the petitioners, without prejudice to their rights before the trial Court and to file complaint against the defacto complainant, are ready to pay the entire amount i.e., the value of 6818 bags directly to the Banks, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No-I, Thiruvannamalai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners, without prejudice to their rights before the trial Court and to file complaint against the defacto complainant if so advised, shall deposit the amount equal to the value of 6818 bags directly to Karur Vaisya Bank and Central Bank of India, Arani Branch, within a period of four weeks from the date of receipt of a copy of this order and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/ acknowledgment shall accept the sureties furnished by the petitioners;

(b)the petitioners 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;

(c)the petitioners 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;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

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(f)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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
23/12/2021

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

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVANNAMALAI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.THIYAGARAJAN Advocate on payment of necessary charges

CRL OP.25258/2021

Date :23/12/2021

INBA—07/01/2022

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