



WEB COPY

(Crime No.18/2020).

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

Date : 31/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . Nos.151 and 491 of 2021

K.SANKARALINGAM

... PETITIONER/ACCUSED No.6
CRL OP(MD) No.151 of 2021

P.KANNAN

... PETITIONER
CRL OP(MD) No.491 of 2021

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TUTICORIN DISTRICT.
(CRIME No.18/2020)

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : Mr.KA.RAAMAKRISHNAN, Advocate
IN CRL OP(MD) No.151 of 2021

: Mr.RAJA.KARTHIKEYAN, Advocate
IN CRL OP(MD) No.491 of 2021

For Respondent : Mr.R.SRINIVASAN,
Government Advocate(Crl.Side)
in both the petitions

For Intervener : Mr.B.JAMEEL ARASU, Advocate
in both the petitions

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

COMMON ORDER : The Court Made the following order :-

Heard the learned counsel appearing for the petitioner, the learned counsel for the intervenor and the learned Government Advocate(Crl. Side) appearing for the respondent.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 408, 409, 420, 477(A), 381, 120(B) and 34 of I.P.C., in Crime No.18 of 2020 on the file of the respondent police, seek anticipatory bail.

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3. The learned counsel for the petitioner states that the petitioners are working as a TASMAC Sales man and other Supervisors are also working in the TASMAC Shop. The petitioners were working from 10.00 a.m., to 05.00 p.m., and they are no way connected with the allegations.

4. The learned counsel for the defacto complainant opposed the anticipatory bail petition on the ground that the petitioners and other accused have conspired and created fake documents taken away the sale proceeds and misappropriated huge sums of money running to Crores. All the accused are liable and public money involved in this cases. The petitioner cannot now escape claiming that they are only salesmen.

5. The learned Government Advocate(Crl.side) raised a serious objection by stating that the amount misappropriated is to the tune of Rs.1,74,00,000/- and the investigations are in progress. The involvement of other employees are also to be investigated. The money misappropriated is a public money to be deposited in Government Account. Under these circumstances, if the petitioners are released on anticipatory bail, it will affect the free and fair manner of investigation to be conducted with all other employees, who all are working in the TASMAC.

6. The petitioners are only salesman. If is the Supervisors, who are in-charge of all sales collection, remittance in the Bank, report to Manager and others about the daily collection and furnish of registers etc.

7. Taking into consideration of the above facts and circumstances and also the fact the petitioner have voluntarily come forward to deposit a title deeds stands in their name or in their relative's name or in his friend's name along with the property valuation certificate from the authorities competent before the concerned Court without prejudice to their defence, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tuticorin, 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 Judicial 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 petitioner / Sankaralingam in Crl.O.P.(MD)No.151 of 2021 shall produce the original title deed which stands in his name or in his relative's name or in his friend's name worth about **Rs.15 lakhs** along with the property valuation certificate from the authorities competent before the concerned Court without prejudice to his defence and submit a photocopy while executing sureties. the petitioner / Kannan in Crl.O.P.(MD)No.491 of 2021 shall produce the original title deed which stands in his name or in his relative's name or in his friend's name worth about **Rs.10 lakhs** along with the property valuation certificate from the authorities competent before the concerned Court without prejudice to his defence and submit a photocopy while executing sureties. The learned Magistrate after receiving the photocopy of the original title deeds shall accept the sureties furnished by the petitioners.

(c) If any amount is deposited in the Crime Number, the defacto complainant shall file a petition and amount to returned to the defacto complainant

(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;

(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.

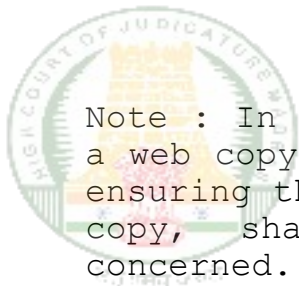
sd/-

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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.

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TO

- 1.THE JUDICIAL MAGISTRATE NO.IV,
TUTICORIN.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TUTICORIN DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.KA.RAAMAKRISHNAN, Advocate (SR-2826[I] dated 01/04/2021)
+1 CC to Mr.RAJA.KARTHIKEYAN, Advocate in SR.No.15069 [F]

ORDER
IN
CRL OP(MD) . Nos.151 and 491 of 2021
Date :31/03/2021

Ls
AE/JC/SAR-III (08/04/2021) 4P / 7C