



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/06/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.428 of 2021

1. R.Johnson Gnanaraj
2. R.Daniel Raj

... Petitioners/Accused
No.5&6

Vs

The State Rep. by
The Inspector of Police,
Crime No.58/2020
City Crime Branch,
Madurai.

... Respondent/Complainant

For Petitioners : Mr.Kannan.K.K,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

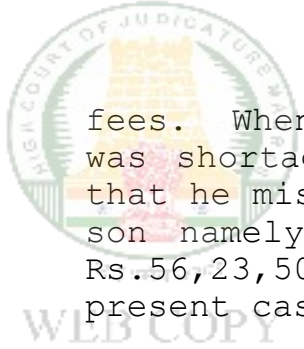
For Anticipatory Bail in Crime No. 58/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 408 and 477A of I.P.C., in Crime No.58 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the defacto complainant is the correspondent of school run under Nehru Educational Society. Al/Kovilpitchi was working in the school since 2016. He started his work as Clerk and promoted as Assistant Accountant. His job is to collect tuition fees, uniform fees, bus fees, van fees and book



fees. When the accounts were scrutinized, it was noticed that there was shortage. He came forward to set right the gap. He admitted that he misappropriated money and he used the same for his brother's son namely., Johnson. It is revealed on enquiry that a sum of Rs.56,23,500/- was misappropriated from the society. Therefore, the present case came to be registered.

4.The learned counsel for the petitioners submitted that the petitioners are innocents and that they have been implicated in this case on the basis of the confession statement of A1. He further submitted that A1 is the main accused and he has been granted bail by this Court.

5.The learned Government Advocate (Crl. Side) submitted that investigation is pending and these petitioners also involved in planning the misappropriation. Hence he prays for dismissal of this petition.

6.It is seen that the petitioners have been arrayed as accused based on the confession statement of A1 and there is no material to establish that there is direct link between these petitioners and A1. Considering the fact that the main accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on 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.I, Madurai, 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 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

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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]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

30/06/2021

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/ /2021

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 No.I, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.428 of 2021

Date : 30/06/2021

IAS

TE/MNR/SAR-IV : 02/07/2021 : 3P/5C