



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.689 of 2021

M.Govindaraj @ Govindarajan

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
District Crime Branch, Madurai
(Crime No.1/2021)

... Respondent/Complainant

V.Suresh

.. Petitioner/Intervener in
Crl.MP.(MD).No.682/2021 in
Crl.OP.(MD)No.689/2021

For Petitioner : M/s.B.Jameel Arasu,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

For Intervener : Mr.N.Sathish Babu, Advocate

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

PRAYER :-

For an Anticipatory Bail in Crime No.1 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 406 and 420 IPC in Crime No.1 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is [~~hcservices.com~~](https://hcservices.com/login/user/) service center in the name of X-Press Motors. The



petitioner herein is working as Body Shop Manager in the said center. The petitioner and other accused misappropriated a sum of Rs.15,00,000/- by creating forged accounts and invoices. Hence, the present complaint.

3.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 and he has been falsely implicated in this case. He further submitted that according to the defacto complainant the alleged occurrence took place in the year 2019 and now only, the present complaint has been lodged. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a case of forgery and investigation is pending. Hence, he opposed to grant anticipatory bail to the petitioner.

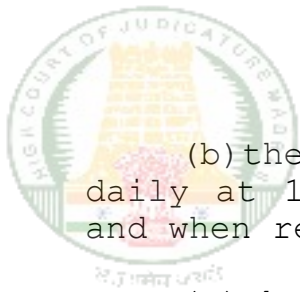
5.It is seen that the defacto complainant is running a car service center in the name of X-Press Motors. The petitioner herein is working as Body Shop Manager in the said center. The petitioner and other accused misappropriated a sum of Rs.15,00,000/- by creating forged accounts and invoices. Now the petitioner, to show his bonafide, has come forward to deposit a sum of Rs.50,000/- without prejudice to his contentions and rights.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- to the credit of Crime No.1 of 2021 before the learned Judicial Magistrate No.I, Madurai without prejudice to his rights and contentions.

8.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 No.I, Madurai, 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 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 shall appear 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/02/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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.



3.The Inspector of Police,
District Crime Branch,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.689 of 2021

Date :25/02/2021

NR/VR/SAR-I(02.03.2021) 4P:5C