



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

Date : 19/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD)No.1281 of 2021

Ezhilarasan

... Petitioner/Accused No.1

Vs

The State rep by
The Inspector of Police,
Vedasandur Police Station,
Dindigul District
Cr No.1723/2020.

... Respondent/Complainant

For Petitioner : M/s.Jegadeesh Pandian.M,
Advocate.

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

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

PRAYER :- For an Anticipatory Bail in Crime No.1723 of 2020 on
the file of the respondent police.

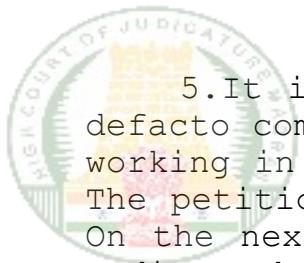
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 341,
381, 420 and 506(ii) IPC in Crime No.1723 of 2020 on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was
working as Cashier in the defacto complainant's textiles company for
the past six years. On 13.11.2020, he swindled Rs.3,60,000/- from
the company and thereafter, from 16.11.2020 onwards, the petitioner
did not come for the work. When the company contacted him, he paid
a sum of Rs.1,40,000/-through Bank on 20.11.2020, subsequently, on
04.12.2020 at about 03.00 pm., the defacto complainant received
threaten. Hence, the 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 the petitioner
was working in the company for the past 11 years in various posts,
for the past six years he was working as Cashier and he earned
reputation among all other staff. 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 the investigation is pending.



5.It is seen that the petitioner was working as Cashier in the defacto complainant's company for the past six years and he had been working in the said company for the past 11 years in various posts. The petitioner handed over cash accounts and came back to the home. On the next day, the management informed the petitioner that since audit work was going on, he may take leave. Thereafter, the company lodged the present complaint and when the petitioner called for enquiry, he had given particulars with regard to the payment made to various persons and there was a shortage of Rs.1,40,000/- and the same was also paid by the petitioner.

6.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, 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, Vendasandur, Dindigul District, 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 petitioner 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/-

19.03.2021

/ TRUE COPY /

/ /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.

WEB COPY

TO

- 1.The Judicial Magistrate,
Vedasandur,
Dindigul District.
- 2.-Do- Through The Chief Judicial Magistrate,
Dindigul District.
- 3.The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.1281 of 2021
Date : 19/03/2021

VB PN SAR 2 (24.03.2021) 3P 5C