



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

Date : 11/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD).No.1473 of 2021

Rajendra Kumar Maheswari

... Petitioners/Accused No.1

Vs

State Represented by,
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
Crime No.40 of 2021.

... Respondent/Complainant

For Petitioner : Mr.N.Mohan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervener : Mr.K.Prabhu,
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.40 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused 1, who apprehends arrest at the hands of
the respondent police for the offences punishable under Sections 380
and 406 of IPC, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant
was running hotel, wherein the petitioner was working under him.
The petitioner misappropriated the money from the company. When the
same was questioned by the defacto complainant, the petitioner
threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is innocent and a false case has been foisted against
him. He further submitted that the matter has been settled.



4. The learned Government Advocate(Crl.Side) would submit that on receipt of the complaint FIR has been registered and investigation is commenced.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kodaikanal 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 petitioners shall report before the respondent police 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 petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/03/2021

/ 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, KODAIKANAL.

2.THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3.THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.K.PRABHU, Advocate SR.No.2025

ORDER

IN

CRL OP(MD) No.1473 of 2021

Date :11/03/2021

RMK

PK/SMA/SAR-III/18.03.2021 : 3P/6C