



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

Date : 26/02/2021

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

**CRL OP(MD) . No.2126 of 2021**

N.Selvaraj

... Petitioner/Sole Accused

Vs

State Represented by,  
The Inspector of Police,  
Rajapalayam South Police Station,  
Rajapalayam,  
Virudhunagar District  
Crime No.34 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Thiruvadi Kumar,  
Advocate.

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

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

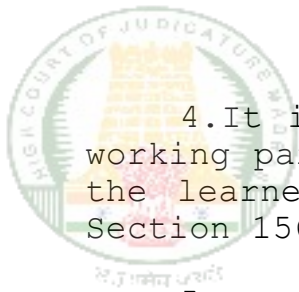
PRAYER :- For Anticipatory Bail in Crime No.34 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of I.P.C., in Crime No.34 of 2021 on the file of the respondent police, seeks anticipatory bail.

3. The learned counsel for the petitioner submitted that the petitioner herein was the working partner in Ayyanar Furniture Shop of the defacto complainant. The petitioner is a skilled person and having knowledge in the said field. He was assured that remuneration amount of Rs.12,000/- and 10 percentage of the turn over per month will be given. There was dispute in payment of salary. Hence, the petitioner had left his employment and thereafter, he sent a legal notice asking for his defaulted salary. Hence, the present complaint has been lodge against the petitioner.



4.It is a dispute between employer and employee or partner and working partner. This case has been registered on the direction of the learned of the learned Judicial Magistrate, Rajapalayam under Section 156(3) of Cr.P.C.

5. In view of the above, I am 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, 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 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.

(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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
26/02/2021

/ 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.

TO

- 1.THE JUDICIAL MAGISTRATE, RAJAPALAYAM
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT
- 3.THE INSPECTOR OF POLICE,  
RAJAPALAYAM SOUTH POLICE STATION,  
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to Mr.A.THIRUVADI KUMAR, Advocate SR.No.1564

ORDER  
IN  
CRL OP(MD) No.2126 of 2021  
Date :26/02/2021

IAS  
PK/SMA/SAR-IV/03.03.2021 : 3P/6C