



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

Date : 22/03/2021

PRESENT

WEB COPY

The Hon'ble Mr. Justice M. NIRMAL KUMAR

CRL OP(MD). No.3405 of 2021

Joshap Kennady @ Joseph Kennedy ... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
Crime No.124/2021.

... Respondent/Complainant

For Petitioner : Mr. Sarvagan Prabhu,
Advocate.

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

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

PRAYER :-

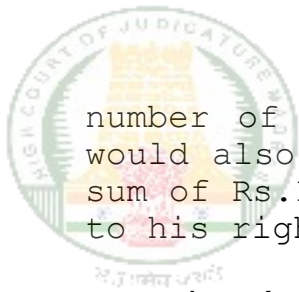
For Anticipatory Bail in Crime No. 124 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 403, 407 and 468 of IPC seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the General Manager of Kaveri Motors. Hence the complaint and the petitioner is working in the body shop unit and having travels agency. The mode of work is that accused to finalize the estimation for the accident vehicle to the customer and the insurance company and in such circumstances the accused personally obtained amount from the customers in the name of the company for repairing the accident vehicles and cheated the company to the tune of Rs.6,03,069/-. 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 would also submit that apart from the insurance payment processed directly to the company and there is no individual to handle the insurance. Further he had unblemished record of service for



number of years without any adverse remarks or bad antecedent. He would also submit that the petitioner is ready and willing to pay a sum of Rs.1,00,000/- to the credit of crime number without prejudice to his rights and contentions.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner had cheated the company to the tune of Rs.6,03,069/-. He would also submit that investigation is still pending.

5. It is seen that the petitioner is in charge of the body shop of the defacto complainant service centre. The defacto complainant is the authorized dealer for all vehicles. The petitioner had used the bill of the customers collected money and he had not accounted properly for the same and misappropriated the amount. As regards the petitioner he is engaged with regard to the vehicle restoration and further he recently resigned the defacto complainant and joined the competitive company for which a false case has been registered.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner is ready and willing to pay a sum of Rs.1,00,000/- to the credit of crime number without prejudice to his rights and contentions, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Dindigul, 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 deposit a sum of Rs.1,00,000/- to the credit of Crime No. 124 of 2021 pending of the file of the learned Judicial Magistrate No.I, Dindigul District without prejudice to his rights and contentions before the trial Court and on such deposit being made the learned Magistrate shall accept the sureties.

(c) the petitioner shall report before the respondent police as and when required for interrogation.

<https://hcservices.ecourt.gov.in/hcservices/> (c) the petitioner shall not tamper with evidence or witness



either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/03/2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
DINDIGUL, DINDIGUL DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to Mr.S.SARVAGAN PRABHU, Advocate (SR-2498[I] dated 24/03/2021)

ORDER IN
CRL OP(MD) No.3405 of 2021
Date :22/03/2021

AAV
SRS/SMA/26.03.2021/3P/6C