



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3487 of 2021

1. Sundharamoorhy
2. Arumugam
3. Dharmalingam

... Petitioners/Accused No.1 to 3

Vs

The State Rep. by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
Crime No. 1604 of 2020.

... Respondent/Complainant

For Petitioners : M/s.Bharathi C, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.1604 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 406 and 506(i) of IPC in Crime No.1604 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant was the tenant under the first petitioner and the second and third petitioners are the employees of the de-facto complainant. The de-facto complainant was doing household articles business in the premises of the first petitioner, there was some dispute between the petitioners, due to which, the first petitioner scolded the de-facto complainant with filthy language and the second and third petitioners had swindled the company's properties to the tune of Rs.9,00,000/-. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the above said crime and the complaint was forwarded under section 156(3) of Cr.P.C. He would further submit that to show his *bonafide*, the first petitioner is ready to deposit a sum of of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.1604 of 2020 before the Judicial Magistrate, Manapparai, Trichy District.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the de-facto complainant was the tenant under the first petitioner and the second and third petitioners are the employees of the de-facto complainant. The de-facto complainant was doing household articles business in the premises of the first petitioner and there was some dispute between the petitioners, now the first petitioner has taken over the property and the petitioners 2 and 3 towards running business. The de-facto complainant's articles which has been kept in the premises is now under the hands of the petitioners. He further submitted that Rs.9,00,000/- worth articles has been misappropriated by the first petitioner. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

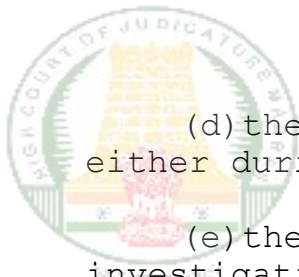
5.Considering the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai, Trichy District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 first petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.1604 of 2020 before the learned Judicial Magistrate, Manapparai, Trichy District, on or before 19.04.2021 without prejudice to his defence before the trial Court;

(c)the petitioners shall report before the respondent police as and when required for interrogation;



(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

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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,
MANAPPARAI, TRICHY DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.3487 of 2021
Date :17/03/2021