



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

Date : 27.04.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD) . No.3895 of 2021

WEB COPY

Palani

... Petitioner/Accused No.5

Vs

State rep by
The Inspector of Police,
District Crime Branch,
Tuticorin District.
(Crime No.18/2020).

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar.C,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.18/2020 on the file of the respondent police.

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

2.The petitioner/A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 408, 409, 420, 477(A), 381, 120(B) and 34 of I.P.C., in Crime No.18 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The learned counsel for the petitioner states that the petitioner is working as a sales man in the TASMACH retail vending Shop No.9991 and it is not a duty of the petitioner to provide closing accounts, crediting the sale amount and other details to the defacto complainant. Since he worked as salesman, his name has been included in this case. Therefore, the petitioner did not involve any crime as alleged by the defacto complainant. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) raised a serious objection by stating that the amount misappropriated is to the tune of Rs.1,74,00,000/- and the investigations are in progress. The involvement of other employees are also to be investigated. The money misappropriated is a public money to be deposited in



Government Account. Under these circumstances, if the petitioner is released on anticipatory bail, it will affect the free and fair manner of investigation to be conducted with all other employees, who all are working in the TASMAL.

5. The petitioner is a salesman. If he is the Supervisor, who is in-charge of all sales collection remittance in the Bank, report to Manager and others about the daily collection and furnish of registers etc.

6. Taking into consideration of the above facts and circumstances and also the fact that the petitioner has voluntarily come forward to deposit a title deed stand in his name or in his relative's name or in his friend's name along with the property valuation certificate from the authorities competent before the concerned Court without prejudice to his defence, this Court is inclined to grant anticipatory bail to the petitioner.

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.IV, Tuticorin, 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 / Palani shall produce the original title deed which stands in his name or in his relative's name or in his friend's name worth about **Rs.15 lakhs** along with the property valuation certificate from the authorities competent before the concerned Court without prejudice to his defence and submit a photocopy while executing sureties. The learned Magistrate after receiving the photocopy of the original title deed shall accept the sureties furnished by the petitioner.

(c) If any amount is deposited in the Crime Number, the defacto complainant shall file a petition and the amount to be returned to the defacto complainant.

(c) 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.

(d) 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/-

27.04.2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MSA

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.IV, TUTICORIN.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

CRL OP(MD) No.3895 of 2021
Date : 27.04.2021

VB SKN SAR IV(04/05/2021) 3P / 5c