



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

Date : 31/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4255 of 2021

K.Duraisamy

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
C.C.I.W. C.I. D.
Pudhukottai,
Pudhukottai District.
Crime No.1/2021

... Respondent/Complainant

For Petitioner : Mr.S.Malaikani,
Advocate.

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

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

PRAYER :-

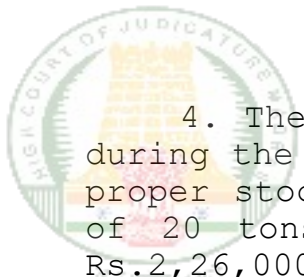
For Anticipatory Bail in Crime No. 1 of 2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections
408,467,468,471,477(A) r/w.34 and 109 of IPC seeks anticipatory
bail.

2. The case of the prosecution is that during the period from
01.10.2011 and 31.03.2012 without maintaining proper stock the
petitioner and other accused caused stock deficit of 20 tons of
fertilizers thereby causing loss to the tune of Rs.2,26,000/- 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 already surcharge proceedings
initiated against the petitioner has been quashed by this Court



4. The learned Government Advocate(Crl.Side) would submit that during the period from 01.10.2011 and 31.03.2012 without maintaining proper stock the petitioner and other accused caused stock deficit of 20 tons of fertilizers thereby causing loss to the tune of Rs.2,26,000/-.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the surcharge proceedings initiated against the petitioner has been quashed by this Court, 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 No.II, Pudukottai 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 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/-
31/03/2021

/ 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 No.II, PUDUKOTTAI.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
C.C.I.W. C.I. D.
PUDHUKOTTAI, PUDHUKOTTAI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.MALAIKANI Advocate SR.No.2818

ORDER
IN
CRL OP(MD) No.4255 of 2021
Date :31/03/2021

AAV
NR/VR/SAR.1/01.04.2021/3P/6C