



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

Date : 17.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.5588 of 2021

WEB COPY

1.Gopi

2.Pattuanath @ Pattuananth ... Petitioners/Accused Nos. 1 & 2

Vs

The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi District.
Cr.No.17 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.Jegadeeswaran

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

For Intervener : Mr.N.Sathish Babu, in CRL MP(MD).3845 of 2021
in CRL OP(MD).5588 OF 2021

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
406, 420, IPC in Crime No.12 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the
employees of the defacto complainant's petrol bunk. They have
misappropriated to the tune of Rs.11,41,684/- from 01.08.2020 to
26.12.2020. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the
petitioners are innocents. He further submitted that the petitioners
are only petrol filling employees in the defacto complainant's
petrol bunk. Every day they have submitted the accounts as per the
meter reading to the Manager and he is the responsible for the sale
procedures. However, the Manager was not added as an accused in this
case. The counsel submitted that the alleged occurrence has taken place



from 01.08.2020 to 26.12.2020, but the complaint was lodged only on 10.02.2021.

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

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5. Considering the nature of allegations levelled against the petitioners and the fact that for the occurrence said to have taken place from 01.08.2020 to 26.12.2020, the complaint was lodged only on 10.02.2021, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their 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, Thoothukudi, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/08/2021

/ 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.II,
Thoothukudi.
2. Do Through
The Chief Judicial Magistrate, Thoothukudi.
- 3.The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.5588 of 2021

Date : 17.08.2021

TR/JC/SAR-IV (23.08.2021) 3P 5C