



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7072 of 2021

1. Subbaraj,

2. Ravi,

... Petitioners/Accused 1&2

Vs

The Inspector of Police,
Subramaniapuram Police Station,
Madurai City.
Cr No. 176/2021.

... Respondent/Complainant

For Petitioners :Mr.Anandan B,
Advocate.

For Respondent :Mr.S.Ravi,
Additional Public Prosecutor

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

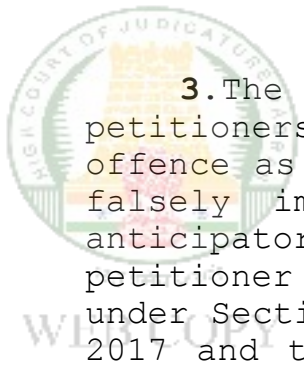
PRAYER :-

For Anticipatory Bail in Crime No.176 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 offences punishable under Sections 379, 406 and 420 of IPC in Crime No.176 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and one Jeyachandran had opened a joint account in Syndicate Bank and the petitioners had stolen the unfilled cheque of the defacto complainant and thereafter, filled up the same and misappropriated the amount. Hence, the case has been registered.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail. He would further submit that the first petitioner has preferred a complaint against the defacto complainant under Section 138 of the Negotiable Instruments Act in C.C.No.133 of 2017 and the same is pending on the file of the learned Judicial Magistrate, Aruppukottai.

4.The learned Additional Public Prosecutor, on instructions, would submit the investigation is pending.

5.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent police.

6.It is not in dispute that the first petitioner has preferred a complaint against the defacto complainant under Section 138 of the Negotiable Instruments Act in C.C.No.133 of 2017 and the same is pending on the file of the learned Judicial Magistrate, Aruppukottai.

7.Considering the above facts and circumstances of the case and also the fact that the first petitioner has preferred a complaint against the defacto complainant under Section 138 of the NI Act and the same is pending in C.C.No.133 of 2017 and considering the Covid-19 pandemic situation and the consequent efforts not to congest the prisons, this Court is of the view that the arrest of the petitioners at this point of time is not necessary and not warranted in the interest of public at large, hence, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

8.The petitioners shall be released in the event of arrest by the respondent police or on their surrender before the learned Judicial Magistrate No.IV, Madurai, within a period of one month from the date of resumption of regular work in the Court below, on bail, on execution of bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the concerned Judicial Magistrate and on further conditions that:

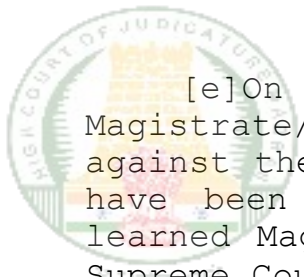
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b]the petitioners shall report before the respondent police as and when required for interrogation;

[c]the petitioners shall not abscond either during investigation or trial;

<https://hcservices.ecourts.gov.in/hcservices/>

[d]the petitioners shall not tamper with evidence or witness 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]**;

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

sd/-
26/05/2021

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/ /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.

SM
TO

- 1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.
- 2 THE CHIEF JUDICAL MAGISTRATE,
MADURAI
- 3 THE INSPECTOR OF POLICE
SUBRAMANIAPURAM POLICE STATION,
MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7072 of 2021
Date :26/05/2021

CN:SKN:SAR4(01.05.2021)3P C5