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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.11051 of 2021

Kaleelul Rahuman, ... Petitioner/Accused No.2

Vs

State rep by
The Inspector of Police,
C.C.I.W. Police Station,
Trichy District.
(Crime No. 04 of 2021). ... Respondent/Complainant

For Petitioner : Mr.Prithiviraj P.R.,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

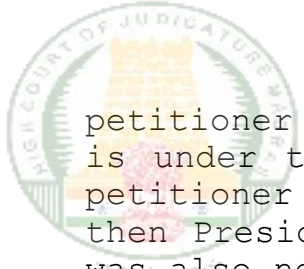
For Anticipatory Bail in Crime No. 04 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 408, 465, 468, 471, 477-A and 120-B of IPC, in Crime No.4 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the accused are working in R.786, Tiruchirappalli Co-operative House Building Society (Makkal Mandram) and they had misappropriated a sum of Rs.2,90,000/-. Hence, the complaint.

3.The learned counsel for the petitioner submits that even as per the first information Report, the entire transactions were made by the first accused/Secretary without the knowledge of the



petitioner and this allegation of misappropriation of Rs.2,90,000/- is under the pretext of paying Advocate Fee to some counsel. This petitioner is impleaded as an accused since he happens to be the then President of the Society. Further, the petitioner's signature was also not present in the misappropriation challan. In any event, the learned counsel would submit that without prejudice to the contentions of the petitioner in the case, to show his *bona fide*, the petitioner is ready to deposit a sum of Rs.50,000/- to the credit of Crime No.4 of 2021 on the file of the respondent Police.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that without any voucher, a sum of Rs.2,90,000/- has been misappropriated, as if the amount has been spent for litigation purpose.

5.Considering the fact that without the signature of the petitioner/President, the Secretary has committed the offence of misappropriation and that the petitioner is also ready to deposit Rs.50,000/- to show his *bona fide*, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, this Criminal Original Petition is allowed.

6. 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 Judicial Magistrate No.I, Trichy, 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 learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.50,000/- to the credit of Crime No.4 of 2021 on the file of the respondent Police;

(c)the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

(d)the petitioner shall not tamper with the 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

TO

1 THE JUDICIAL MAGISTRATE,NO.I TRICHY

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE
C.C.I.W. POLICE STATION,
TRICHY DISTRICT.

4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.R.PRITHIVIRAJ, Advocate (SR-5500[I]
dated 18/08/2021)

ORDER

IN

CRL OP(MD) No.11051 of 2021

Date :16/08/2021

GC/JM/SAR-III/23/08/2021/3P/6C