



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11088 of 2021

Murugesan Sankaran

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District
(Crime No.665/2021).

... Respondent/Complainant

For Petitioner : Mr.B.ANANDAN,
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. 665 /2021 on the file of the Respondent Police

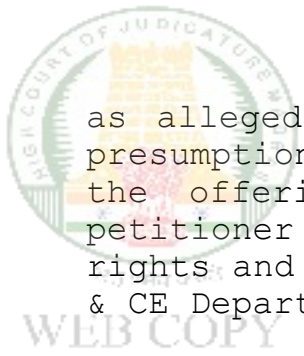
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 380 of IPC, in Crime No.665 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 28.07.2021, in the presence of Executive Officer, HR & CE Department, Hundiyls of Arulmigu Neelakandapillayar Temple, Yendhal, Peravurani were opened and the amounts were counted. At that time, from the CCTV footage, the officials have found that the petitioner had taken away some money from the Hundiyl. On the complaint of the Executive Officer, a case was registered as against this petitioner.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person, he has not committed any offence

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



as alleged by the prosecution and the complaint itself is on the presumption that this petitioner might have taken Rs.20,000/- from the offerings in the Hundiya. To show his *bona fide*, the petitioner is ready to deposit Rs.20,000/- without prejudice to his rights and contentions in this case before the Executive Officer, HR & CE Department.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, opposed this petition on the ground that investigation is yet to be completed.

5.Considering the age of the petitioner and the fact that he is ready to deposit a sum of Rs.20,000/- to show his *bona fide*, this Court is inclined to grant anticipatory bail to the petitioner. Hence this Criminal Original Petition is allowed.

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, Pattukkottai, 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.20,000/- before the Executive Officer, HR & CE Department;

(c)the petitioner shall report before the respondent police daily at 10.30 am and before the Executive Officer, HR & CE Department daily at 05.00 pm.

(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.

sd/-
16/08/2021

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/ 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,
PATTUKKOTTAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE EXECUTIVE OFFICER,
HR & CE DEPARTMENT,
ARULMIGU NEELAKANDAPILLAYAR TEMPLE,
YENDHAL, PERAVURANI.

ORDER

IN

CRL OP(MD) No.11088 of 2021
Date :16/08/2021

SA/PN/SAR.3/23.08.2021/3P/6C