



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

Date : 14/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.11847 of 2021

WEB COPY

K.S.Balaji

... Petitioner/Accused No.1

Vs

The State Rep. by,
The Inspector of Police,
District Crime Branch Police Station,
Kanyakumari District.
Cr.No.22 of 2021.

... Respondent/Complainant

For Petitioner : M/s.ARUMUGAM.H,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Crime No.22 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 offence punishable under Section
420 IPC in Crime No.22 of 2021, seeks anticipatory bail.

2.The allegation against the petitioner is that the petitioner
is a salesman in the de-facto complainant's company, has sold the
spare parts to various companies but failed to collect the dues and
remit the same with the de-facto complaint.

3.The learned counsel for the petitioner submits that the
petitioner was relieved from the company in the year 2017 itself;
For the occurrence taken place in the year 2014, the complaint has
been lodged in the year 2021. He further submits that the petitioner
is an innocent, he has not committed any offence as alleged by the
prosecution, but he has been falsely implicated in this case.



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

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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 Court No.I, Nagercoil, 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 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]**;

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

sd/-
14/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sj i



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 COURT NO.I, NAGERCOIL.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
KANYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ARUMUGAM.H Advocate SR.No.6225

ORDER
IN
CRL OP(MD) No.11847 of 2021
Date :14/09/2021

RK/SKN/SAR-I (23.09.2021) 3P 6C