



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Seventh day of February Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.2717 of 2022

ISHWARYA

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGAPATTINAM DISTRICT,
CRIME NO.89/2021

[RESPONDENT]

For Petitioner : M/S P.MUTHAMIZH SELVAKUMAR Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 403, 408, 420 R/W 34 of Indian Penal Code-1860, in Crime No.01 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that during the relevant point of time, the defacto complainant was working as a Area Manager in Muthutoo Finance company limited, similarly A1 was working as a Manager of the branch and A2/petitioner was the in charge of the store room. When at the time of auditing, it was found that the Gold Jewels worth about 110.6grams were found missing. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency for the above said crime.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has not committed any such offences as alleged by the prosecution. He further submitted that she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submits that as of now, the misappropriated articles are all recovered and now the petitioner was reemployed in the same institution. He also submit that investigation completed.



5. Taking into consideration of the above submissions made by the learned Counsels appearing on either sides and also considering the fact that investigation is completed, custodial interrogation may not be necessary in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is 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 Court No.I, Nagapattinam on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty(30) days and thereafter 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
07/02/2022

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This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT NO.I,
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAGAPATTINAM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges

CRL OP.2717/2022

Date :07/02/2022

INBA~16/02/2022