



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

(*)Wednesday, the Sixteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5760 of 2022

SURESHKUMAR

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE

E-3 SARAVANAMPATTI POLICE STATION,
COIMBATORE.

(CRIME NO.146/2022)

For Petitioner : M/S. K.KANNAN Advocate

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

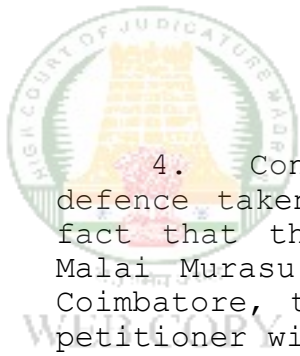
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 408 & 420 of IPC in Crime No.146 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein apprehends arrest on the complaint given by the former employer alleging that he has misappropriated a sum of Rs.15,98,391/- which is the money collected by him as an agent for advertisement. The defacto complainant has also furnished the statement of accounts which indicates that the advertisement bills collected by the petitioner herein is not properly remitted.

3. However, the case of the petitioner is that the defacto complainant and the petitioner had a separate private money transaction and due to some misunderstanding this complaint has been filed. After he was removed from the service, he initiated a labour dispute before the Deputy Commissioner of Labour and it is also submitted that the petitioner is deprived of his 20% commission for the advertisements he canvassed.



4. Considering the averments made in the complaint and the defence taken by the petitioner herein and also taking note of the fact that the petitioner was working in the defacto complainant's Malai Murasu Tamil Daily for nearly 10 years and he has roots at Coimbatore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate - II, Coimbatore on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix their 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;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall report before the Investigating Officer daily at 10.30 am, until further orders;

(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 has 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/03/2022

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.

(*)...(*) Corrected Copy to be substituted for the order already despatched on 04/04/2022.

TO

1 THE JUDICIAL MAGISTRATE-II,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
E-3 SARAVANAMPATTI POLICE STATION,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. K.KANNAN Advocate on payment of necessary charges

CRL OP.5760/2022

Date :16/03/2022 (*)

CSK 24/03/2022

TA-07/06/2022