WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12790 of 2022

ARIVAZHAGAN [PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VILLUPYRAM DISTRICT
CRIME NO.13/2022

For Petitioner : M/S.OM SAI RAM Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 420, 465, 468, 471 & 506(ii) of IPC in Crime No.13 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that first accused, while he was working as manager in defacto complainant's petrol bank he had misappropriated to the tune of Rs.53,18,664/-. When he enquired about the same, he admitted his offence and agreed to clear the said amount within 10 days. Thereafter, A1's brother/petitioner herein threatened the defacto complainant with dire consequences. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioners is an innocent person and he has not committed any offence as alleged by the prosecution. Further he submitted that the petitioner is a agriculturist. Therefore, he prays to grant anticipatory bail to the petitioner.

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

WEB COPY

4. The learned Additional Public Prosecutor would submit that the while the first accused was working in the defacto complainant's petrol bank he misappropriated to the tune of Rs.53,18,664/- and he had taken another petrol bank for lease. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.According to the prosecution, while the first accused was working as a manager in defacto complainant's petrol bank he misappropriated to the tune of Rs.53,18,664/-. Thereafter he had taken another petrol bank for lease and running the petrol bank.

6.As far as this petitioner is concerned he is farmer, except his relationship with A1/brother he is nothing to do with the offence as alleged by the prosecution. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Gingee, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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 two weeks 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].

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

WEB COPY

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

-sd/-
15/06/2022

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.

TO

1 THE JUDICIAL MAGISTRATE,
GINGEE.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.OM SAI RAM Advocate on payment of necessary charges
SR.NO. 9154

CRL OP.12790/2022

Date :15/06/2022

RW-21/06/2022

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