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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.01.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.334 of 2022

N.Vairavan

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
C.C.I.W. Police Station,
Theni District,
Theni.
(Crime No.3 of 2021)

... Respondent/Complainant

For Petitioner : M/s.J.Lawrance, Advocate.

For Respondent : M/s.M.Muthumanickam
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 409, 468, 471, 477(A), 120(B) and 34 IPC in Crime No.3 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.This Court in the earlier petition for anticipatory bail filed by the present petitioner and also by the accused A.1 and A.6, has dismissed the same and subsequently, the first accused was arrested on 20.11.2021 and he was released on bail by the learned Principal Sessions Judge, Madurai.



3.The learned counsel for the petitioner would submit that in the order passed by the learned Principal Sessions Judge, it has been observed that all the documents have been recovered.

4.The learned Additional Public Prosecutor would submit that the petitioner has to be interrogated with respect to the false records subsequently traced out. Admittedly, the third accused/President and the first accused/Secretary were already arrested and released on bail and also the A.11/Auditor was also granted anticipatory bail by this Court. Admittedly, the petitioner is the Assistant Secretary of the Myiladumparai Co-operative Primary Society.

5.Considering the above and also the nature of the charges alleged against the petitioner and also the fact that the A.1 and A.3, who are the Secretary and President of the Society were already arrested and released on bail and also taking note of the fact that the prosecution has stated before the learned Principal Sessions Judge, Madurai, that all the documents have been recovered, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

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 No.III, (CCIW) Madurai, 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 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 daily at 10.30 a.m., until further orders;

(c)the petitioner shall not tamper with the 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
12/01/2022

/ /2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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 NO.III
(CCIW) MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
C.C.I.W .POLICE STATION,
THENI DISTRICT, THENI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.LAWRANCE J Advocate SR.No.215

ORDER
IN
CRL OP (MD) No.334 of 2022
Date :12/01/2022