



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2534 of 2022

T.Raja

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
S.S.Colony Police Station,
Madurai.
Crime No.1363/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Vidhya Sagar,
Advocate.

For Respondent : Mr.M.Muthu Manikkam,
Government Advocate (Crl.Side)

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

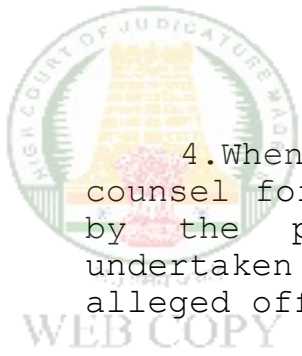
PRAYER :-For Anticipatory Bail in Crime No.1363 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC, in Crime No.1363 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner was appointed as Area Manager in Tamil Nadu Exubera Retail Pvt., Ltd., from 07.08.2021, that his duty is increase the sales and maintain the stock list of production, that on 23.11.2021, CCTV camera, Access Control System, Projector, Printer, Inverter were found missing in Madurai as well as in the Coimbatore, Erode Division Stores also and that the petitioner was responsible for the same. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the duty of Area Assistant Manager is only to maintain stock list and also visit the Office in other Districts and that he has nothing to do with the alleged occurrence.



4. When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein the petitioner has specifically undertaken to deposit 50% of the total amount involved in the above alleged offence without prejudice to his rights.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the investigation is pending. He would further submit that the value of the property is worth about Rs.15,39,750/-.

5. Considering the above facts and circumstances of the case and also taking note of the undertaking affidavit filed by the petitioner and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.7,69,875 before the learned Judicial Magistrate No.V, Madurai, to the credit of Crime No.1363 of 2021 without prejudice to his rights and contentions within a period of three weeks from the date of receipt of a copy of this order.

7. On production of such receipt/acknowledgment, 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.V, 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:

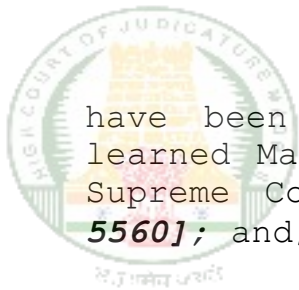
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

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

(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



have been imposed and the petitioners 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/03/2022

/ TRUE COPY /

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

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.V,
MADURAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE POLICE,
S.S.COLONY POLICE STATION, MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.S.VIDHYASAGAR, Advocate (SR-2424[I] dated 24/03/2022)

ORDER
IN
CRL OP(MD) No.2534 of 2022
Date :23/03/2022

DAS
MK/SBN/SAR.IV/29.03.2022/3P/6C