



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4956 of 2022

1.Logeshwaran

2.Janani

: Petitioners/Accused No.1&2

Vs.

1. State represented through

The Inspector of Police,

District Crime Branch,

Trichy District.

Crime No.8 of 2022.

: Respondent/Complainant

2. Arvind Bothra

: Intervene Petitioner/
Defacto Complainant

For Petitioner : Mr.Subash Babu, M.
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Criminal Side)

For Intervenor : Mr.K.Balasubramanian, Advocate

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

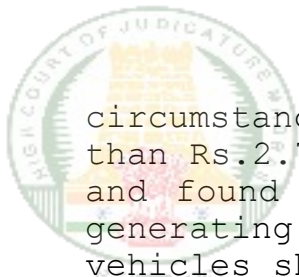
PRAYER :-

For Anticipatory Bail in Crime No.8/2022 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 offence punishable under Sections 408, 468, 471 and 120 (B) IPC, in Crime No.8 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a Deputy General Manager-Marketing and Operations in Globe Ecologistics Private Limited having Head Office at Ahmedabad. The company is having branches in all over State and they have engaged in transportation of goods and cargos from various stations within the country. The company used to supply the vehicles to BHEL. The first petitioner is handling all day today work for their branch and reporting to their Regional branch at Chennai. In such



circumstances, the company find out that there is huge amount more than Rs.2.75 crores from BHEL and there by a special team was formed and found that the petitioners herein had created forged bills by generating some false lorry receipts against fake placement of vehicles shown in the record books and by adjusting the same against the vendor created as owner in the name of the second petitioner, who is none other than his wife and also the another accused who is his friend. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned counsel for the intervenor would submit that the first accused has misappropriated the company fund along with the accused 2 and 3.

5.When the matter is taken up today, the learned counsel for the petitioners have filed an affidavit sworn by the first petitioner, wherein the petitioners have expressed their willingness to deposit a sum of Rs.25 Lakhs to show their *bonafide* without prejudice to the case.

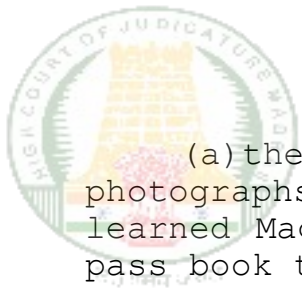
6.Admittedly, the second accused is the wife of the first accused.

7.The learned counsel for the intervenor would submit that if the petitioners deposit the said amount, they may be granted anticipatory bail.

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

9.Accordingly, the petitioners are directed to deposit a sum of Rs.25,00,000/- before the learned Judicial Magistrate No.I, Trichy, to the credit of Crime No.8 of 2022 without prejudice to their rights and contentions within a period of five weeks from the date of receipt of a copy of this order.

10.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Trichy, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:



(a) the petitioners 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 petitioners 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 petitioners shall not tamper with the evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners 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/-
05/04/2022

/ 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.I,
TRICHY.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

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



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

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.BALASUBRAMANIAN, Advocate (SR-2990[I] dated
06/04/2022)

ORDER
IN
CRL OP(MD) No.4956 of 2022
Date :05/04/2022

das
USK/VR/SAR-I/12.04.2022/4P/6C