



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5673 of 2022

M.Sivasubramanian ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
(Crime No.102 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Balaji.V.,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.102 of 2022 on the file of the respondent Police.

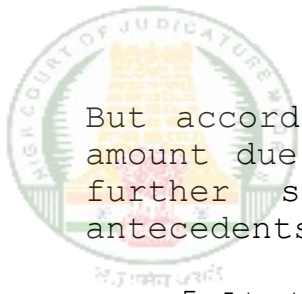
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 420 and 468 IPC, in Cr.No.102 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has swindled the office fund to the tune of Rs.8,37,081/- and deposited the same in his account. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) would submit that the witness one Muthusamy, in his statement has stated that the petitioner, instead of crediting Rs.3,14,970/-, has credited only part of the amount and not credited the remaining amount of Rs.1,21,486/- in his account and that the other witness Leela in her statement has stated that no amount was credited in her account.



But according to one Muthulakshmi, she has stated that the entire amount due to her has already been paid by him by cash. He would further submit that the petitioner is not having any bad antecedents.

5. At this juncture, the learned counsel for the petitioner, on instructions, would submit that the petitioner is ready to pay the remaining amount to the concerned witnesses directly.

6. Considering the above facts and circumstances and also taking note of the petitioner's undertaking to pay the said amount to the witnesses and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

7. Accordingly, the petitioner shall pay a sum of Rs.1,21,486/- (Rupees One Lakh Twenty One Thousand and Four Hundred and Eighty Six Only) by way of demand draft in favour of the said Muthusamy and Rs.63,623/- (Rupees Sixty Three Thousand and Six Hundred and Twenty Three Only) by way of demand draft in favour of the said Leela directly, without prejudice to his rights and contentions before the trial Court and produce the acknowledgement/receipt along with the copy of the demand drafts before the Judicial Magistrate No.III, Thoothukudi.

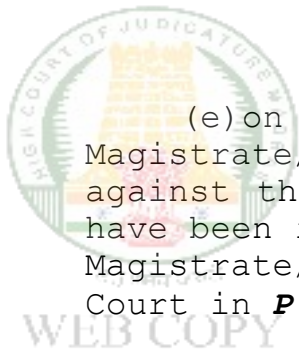
8. On production of such acknowledgement/receipt along with the copy of demand drafts, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thoothukudi, 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 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 am for a period of one month 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/04/2022

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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.III, THOOTHUKUDI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.V.BALAJI, Advocate (SR-4129[I] dated 29/04/2022)

ORDER

IN

CRL OP(MD) No.5673 of 2022

Date :27/04/2022

SJI

MS/JM/SAR-2/06.05.2022/3P.6C