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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.06.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.9695 of 2022

Thangapandi ... Petitioner/Accused (A10)

Vs

State Rep.by
The Inspector of Police,
DCB Theni,
Theni District.
(Crime No.12 of 2022) ... Respondent/Complainant

For Petitioner : M/s.Thilaga Balasubramaniam,
Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.10, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 406, 408, 463, 468, 469 and 471 IPC, in Crime No.12 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is working as an audit manager at L&T finance company in Theni District. During the inspection, it was found that the petitioner along with other accused had created fraudulent documents and cheated the insurance amount of Rs.16,80,000/-. Hence, the complaint.

3.The learned counsel for the petitioner on instructions would submit that the petitioner is ready and willing to deposit a sum of Rs.30,000/-.

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4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the accused 1 and 2 were already granted anticipatory bail by the District Court with a condition to deposit a sum of Rs.1,00,000/- each. He would further submit that the amount involved in respect of the present petitioner is Rs.30,000/- and that the petitioner is not having any previous cases.

5.Considering the nature of the offence alleged against the petitioner and also the fact that the petitioner is not having any previous cases for similar offence or serious offence and taking note of the submission made by the learned counsel for the petitioner that the petitioner is ready to deposit a sum of Rs.30,000/-, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** to the credit of Crime No.12 of 2022 on the file of the respondent police, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Theni.

7.On production of such receipt/acknowledgment, 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, 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 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., 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.

[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].**

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

sd/-
09/06/2022

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/ /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, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, DCB THENI, THENI DISTRICT.

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

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-5330[I] dated 09/06/2022)

ORDER
IN
CRL OP(MD) No.9695 of 2022
Date :09/06/2022

RS/VR/SAR.1 (14.06.2022) 3P-6C

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