



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

Date : 16/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10273 of 2022

WEB COPY

C.Sangili

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
Crime No.90 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Sivalingam R,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.90 of 2022t on the file of the Respondent Police.

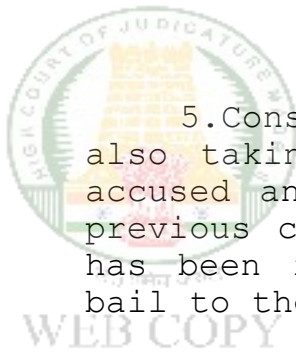
ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409 and 403 IPC, in Cr.No.90 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that one Swaminathan, is working as Jewel Appraiser in MM575 Nallur Primary Agricultural Co-operative Credit Society, Nallur, Pudukkottai District and the said Swaminathan has misappropriated some jewels which have been pledged in the society for his personal gain. Since the petitioner is in-charge Secretary of the said Society, he has been implicated as A2.

3.The learned counsel for the petitioner would submit that A1 has given a confession statement stating that without the knowledge of the present petitioner, had taken out the jewels and pledged the same in the private financial concerns.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that A1 has already been arrested and still in judicial custody and that the property has been recovered.



5.Considering the above facts and circumstances of the case and also taking note of the confession statement given by the first accused and also the facts that the petitioner is not having any previous case for similar or serious offence and that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner, but with certain 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, Illuppur, 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 respondent Police or to the Police Officer, who intends to arrest or 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/-
16/06/2022

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



TO

1 THE JUDICIAL MAGISTRATE, ILLUPPUR.

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

3 THE INSPECTOR OF POLICE, KARAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.R.SIVALINGAM, Advocate (SR-5611[I] dated 16/06/2022)

ORDER

IN

CRL OP(MD) No.10273 of 2022

Date :16/06/2022

RS/PN/SAR.2 (21.06.2022) 3P-6C