



WEB COPY



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

Date : 25/07/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.10889 of 2022

Arivazhagan

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Ramanathapuram CCIW Police Station,
Ramanathapuram District.
(Crime No.1/2022).

... Respondent/Complainant

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

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

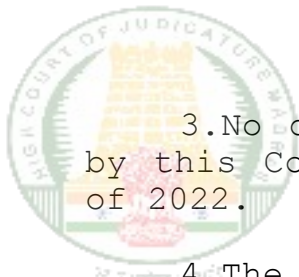
PRAYER :-

For Anticipatory Bail in Cr.No.1/2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 409, 420, 465, 468, 471 and 477(A) of IPC, in Cr.No.1 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is the jewel appraiser, along with the Secretary and Assistant Secretary of NN406, P.Kodikulam Primary Agricultural Co-operative Society conspired together and put up fake jewels in 81 jewel bags and misappropriated a sum of Rs.1,47,14,000/- and made loss to the society. On inspection made by the officers, the same was found. hence, the present complaint.



3.No doubt, the petitioner's earlier application was dismissed by this Court, vide order dated, 10.02.2022 in CrI.O.P.(MD)No.2912 of 2022.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that 81 enquiry was already completed.

5.It is also not in dispute that the properties of the first accused to the tune of Rs.1,27,00,000/-, that the properties of the second accused to the tune of Rs.46,00,000/- and that the petitioner's properties to the tune of Rs.46,00,000/- were already attached.

6.When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an affidavit stating that the petitioner has no objection for further proceedings of the sale of the above attached properties by the concerned authority.

7.Considering the above facts and circumstances and also the facts that A1 and A2 were already granted anticipatory bail by this Court and that the value of the properties already attached and also taking note of the affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

8.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 No.1, Ramanathapuram, 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 until further orders;

(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/-
25/07/2022

/ TRUE COPY /

/07/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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.1,
RAMANATHAPURAM.
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE,
RAMANATHAPURAM CCIW POLICE STATION,
RAMANATHAPURAM DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.BALAJI A Advocate SR.No.7569

ORDER
IN
CRL OP(MD) No.10889 of 2022
Date :25/07/2022