



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/10/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11597 of 2022

1. Gopi,

2. Pattuanath @ Pattuananth, ... Petitioners/Accused No.1 and 2

Vs

State Rep.by
The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi District.
(Crime No.17 of 2021).

... Respondent/Complainant

Deepak, ...Petitioner/Defacto Complainant
in Crl MP(MD)No.9171 OF 2022

For Petitioners : Mr.N.Pragalathan, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervenor : Mr.P.Saravanakumar, Advocate
in Crl MP(MD)No.9171 OF 2022

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC, in Crime No.17 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a petrol bunk. The petitioners herein were working as Cashier in the said petrol bunk. They have misappropriated to the

Rs.11,41,684/- through the SMART FLEET system from



01.08.2020 to 26.12.2020. Therefore, the present case cannot be registered.

3. The learned counsel for the petitioners would submit that earlier, the petitioners moved a petition for anticipatory bail before this Court in Crl.O.P(MD) No.5588 of 2021 and the same was allowed on 17.08.2021 with certain conditions. However, the petitioners could not furnish the sureties within the time. Hence, the petitioner filed this second application. He would further submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, the petitioners shall abide any condition imposed by this Court and they may be granted anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the alleged misappropriation is to the tune of Rs.11,41,684/- and the investigation is not yet completed.

5.The learned counsel appearing for the intervenor vehemently opposed for grant of anticipatory bail to the petitioners.

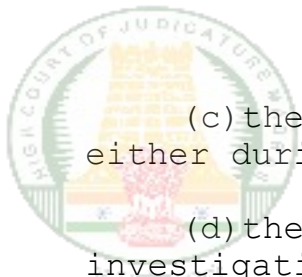
6.Considering the facts and circumstances of the case and also considering the nature of the charges levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) each to the credit of Crime No.17 of 2021 before the learned Judicial Magistrate No.2, Thoothukudi, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

8.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on 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.2, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am until further orders.



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

(d)the petitioners 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 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;

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

sd/-
10/10/2022

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/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
THOOTHUKUDI.

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

3 THE INSPECTOR OF POLICE
THERMAL NAGAR POLICE STATION,
THOOTHUKUDI DISTRICT

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-11161[I] dated 10/10/2022)

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-11247[I] dated 12/10/2022)

ORDER
IN
CRL OP(MD) No.11597 of 2022
Date :10/10/2022

cp
PKP/SBN/SAR-1/14.10.2022/3P/7C

<https://www.mhc.tn.gov.in/judis>