



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 06.09.2022

Delivered on : 08/09/2022

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.14658 of 2022

A.Sanofar

... Petitioner/Accused No.1

Vs.

State rep.by
The Sub Inspector of Police,
B3 Theppakulam Police Station,
Madurai City.
(Crime No.232/2022).

... Respondent/Complainant

Ismail

... Petitioner/Intervener
(in Crl.M.P.(MD)No.9753/2022)

For Petitioner : M/s.Karuppasamy Pandiyan G,Advocate.

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

For Intervenor : Mr.A.Saravanan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.232/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 408 and 109 IPC, in Crime No. 232 of 2022, seeks anticipatory bail.

2. The allegation against the petitioner is that the defacto complainant was running a shop, where he deals with purchase and



sell plastic materials. The petitioner was working in the shop as Manager for a period of 18 years. The petitioner and 2 other accused committed misappropriation to the tune of Rs.11,94,550/-. A case in Crime No.232 of 2022, was registered against the petitioner.

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3. On the side of the petitioner, it is stated that the petitioner is not connected with the offence. The petitioner established a new shop. Due to business motive, a false case was foisted against the petitioner and prayed the petitioner to be released on anticipatory bail.

4. On the side of the intervenor, it is stated that the petitioner was the Manager and supervisor of the Company. A2 and A3 were selling old plastic and to check quality and he has to issue chit for the receipt of old plastic. On the basis of the chit, the defacto complainant credited amount to A2 and A3 through IOB Bank. Totally, more than Rs.30,00,000/- was misappropriated and still investigation is going on.

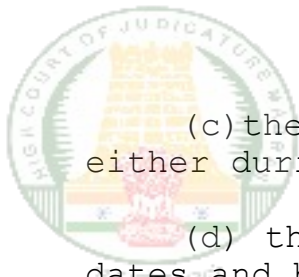
5. On the side of the prosecution, it is stated that totally 3 accused involved in the offence. The petitioner is A1 in the case. As the Supervisor of the defacto complainant's Company, the petitioner and others misappropriated Rs.11,94,550/- from the year 2016 onwards.

6. It is seen that the alleged occurrence took place from the year 2016 onwards. But, the complaint was lodged only on 16.05.2022, after the lapse of 6 years. Considering the delay in lodging the complaint and considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this petition is allowed and 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.I, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 be present before the Court on hearing dates and before the respondent police as and when required;

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(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/-

08/09/2022

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/09/2022

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

LS

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,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
B3, THEPPAKULAM POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14658 of 2022

Date : 08/09/2022