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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 19/07/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP(MD)No.15974 of 2021

1.Mukesh
2.Chandra
3.Suvitha
4.Sudalai @ Vinoth

... Petitioners/Accused 1 to 4

Vs.

State rep.by
The State of Tamil Nadu
rep. By its Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli Town.
(Crime No.396 of 2021)

... Respondent/Complainant

For Petitioners : Mr.K.R.Laxman, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

PRAYER:-

For Anticipatory Bail in Crime No.396 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A1 to A4 apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 416, 417, 418, 420, 379 and 506(i) IPC, in Crime No.396 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution in brief:-

The de-facto complainant is running a Gas Agency called 'Nellaie Indane Gas Agency'. In that Company, one Mukesh was working as 'Godown keeper'. Apart from that, he was also an 'Office Assistant and looking after the office affairs. The de-facto



complainant received a show cause notice from the Indian Oil Corporation, on 26/05/2020. On enquiry, it was found that the above said Mukesh is in the habit of admitting the new customers and also admitted his friends, relatives and family members by creating false documents. He also tampered the software and by that process, it appears that he has misappropriated several lakhs. The company was imposed penalty of Rs.5,45,782,46/- and that penalty was paid by the complainant. The said Mukesh was terminated from service. At that time, the accused person Mukesh appears to have stolen the documents with the help of the other accused persons. He was also demanded Rs.37,00,000/-. Based upon the complaint, the case was registered.

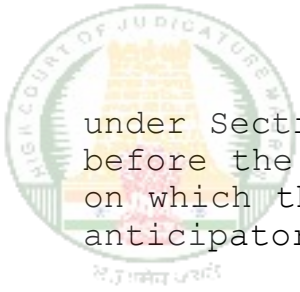
3. Totally, four persons have been arrayed as accused persons. Seeking anticipatory bail, this petition came to be filed by the petitioners/A1 to A4 stating that large scale violation and falsification of records were done by the company. On that account, the first petitioner sent various complaints to the Indian Oil Corporation, over which, only a show cause notice was issued to the de-facto complainant and he also paid entire penalty and the first petitioner was removed from the service, because of his complaint against the de-facto complainant company.

4. Heard both sides.

5. Since falsification of records have been made as allegation, the 1st petitioner/A1 was directed to appear before the respondent police and cooperate to complete the process of investigation. It appears that he appeared before the respondent police for some time. He gave a statement that he will work out his remedy through court process. Similarly, the de-facto complainant has also given a statement that he will workout his remedy through the process of court. On that ground, the earlier complaint given by the de-facto complainant was closed. Later, he filed writ petition in WP(MD) No.16540 of 2021 seeking a direction to take action on the basis of the complaint give by him. Based upon which, the present FIR has been registered.

6. Since the complaint was already closed by directing the parties to work out their remedy through process of court, I am of the considered view that the petitioners can be granted anticipatory bail, in view of the above said statements of the parties.

7. So in view of the above facts, this court is inclined **to grant anticipatory bail** to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.IV, Tirunelveli and on each of them executing 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 learned Judicial Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated



under Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned Judge within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

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

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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.IV,
TIRUNELVELI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI TOWN.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.LAXMAN K.R. Advocate SR.No.

ORDER
IN
CRL OP(MD) No.15974 of 2021
Date :19/07/2022

SP/JM/SAR III/22/07/2022/3P/6C

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