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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.17003 of 2021

Nishanth

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
(Crime No.25 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Vikram S, Advocate.

For Respondent : M/s.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime.No.25 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 403 and 420 IPC in Crime No.25 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that while the petitioner was working as Public Relation Officer, he has swindled money from the various customers and failed to deposit the same in the account of the company, that was found during the course of auditing. Based upon the above said occurrence, the case was registered.



3. The learned counsel for the petitioner submitted that the petitioner remitted the amount to the account of the company properly. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

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4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the investigation of the case is pending.

5. Even though the petitioner stated co-accused only collected money and they are only responsible for the same, it is the duty of the petitioner to remit the amount into the Bank, which was collected from the investors. The petitioner seeking anticipatory bail on the ground that the co-accused A3 and A4 have been granted anticipatory bail is not proper. The petitioner must deposit the entire amount to the credit of this Crime number. Considering the facts and circumstances, this Court is inclined to allow this petition with the following conditions.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District, 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 learned Magistrate concerned; the petitioner shall deposit the entire mis-appropriated amount of Rs.3,54,349/- (Rupees Three Lakhs Fifty Four Thousand Three Hundred and Forty Nine only) to the credit of Crime Number and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate 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.

Sd/-
26/07/2022

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/08/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANYAKUMARI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.17003 of 2021
Date :26/07/2022

SP/SVR/SAR IV/02/08/2022/3P/5C