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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2022

PRESENT

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

CRL OP(MD). No.16843 of 2022

J.Ajithkumar ... Petitioner/7th Accused

Vs

State rep. by its
Inspector of Police,
District Crime Branch,
Theni District,
Theni
(In Crime No.12 of 2022) ... Respondent/Complainant

For Petitioner : Mr.M.Mohamed Sherbudeen, Advocate.

For Respondent : Mr.M.Muthumanikkam
Govt. Advocate (crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7, who apprehends arrest at the hands of respondent police for the offence punishable under Sections 420, 406, 408, 463, 468, 469 and 471 IPC in Crime No.12 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is working as Branch Manager at L & T Finance Company in Theni District. During inspection, it was found that the petitioner along with other accused had created fraudulent documents and cheated the insurance amount of Rs.16,80,000/-. Hence, the complaint has been lodged.

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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that in this case, A1, A2, A4 and A6 have been granted anticipatory bail. He would further submit that the petitioner shall abide any condition imposed by this Court.

4.The learned Government Advocate (criminal side) appearing for the respondent police would submit that A1, A2, A4 and A6 have been granted anticipatory bail and part of the investigation is over.

5.Considering the facts and circumstances of the case and also considering the fact that some of the co-accused were granted anticipatory bail and part of the investigation is over, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.12 of 2022 before the learned Judicial Magistrate, Theni, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

7.On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, 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 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 10.00 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;

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

Sd/-
20/09/2022

/ TRUE COPY /

/09/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

skn

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,
   THENI.

2. -DO- THROUGH
   THE CHIEF JUDICIAL MAGISTRATE,
   THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
   DISTRICT CRIME BRANCH,
   THENI DISTRICT, THENI.

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

+1. CC to M/S.MOHAMED SHERBUDEEN M Advocate SR.No.46052

ORDER
IN
CRL OP(MD) No.16843 of 2022
Date :20/09/2022

SP/SBN/SAR II/23/09/2022/3P/6C

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