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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.19286 of 2021

M.Sathish

... Petitioner/Accused

Vs

The State Rep.by
The Inspector of Police,
Thathaiyengar Pet Police Station,
Tiruchirappalli District.
Crime No.349 of 2021.

... Respondent/Complainant

For Petitioner : Mr.N.Balasubramaniam, Advocate for
Mr.B.Vetrivel, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

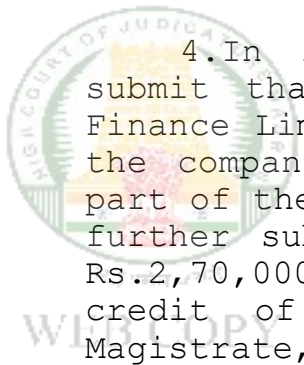
PRAYER :-For Anticipatory Bail in Crime No.349 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence under Sections 406 and 408 of IPC in Crime No.349 of 2021, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Madhavadu, who is the Circle Manager of Manapuram Finance Limited, is that the accused, who was working as a Branch Manager and his assistant have misappropriated the company's amount to the tune of Rs.5,40,000/-. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner had handed over the money to one Paneerselvam and he had not deposited the money and he has cheated the petitioner as well as the bank.



4. In reply, the learned Additional Public Prosecutor would submit that the petitioner was the Branch Manager of I am Finance Limited, without depositing the amount, had misappropriated the company's funds to the tune of Rs.5,40,000/- and handed over part of the amount of Rs.2,70,000/- to one Paneerselvam/A2. He would further submit that A2 has admitted the offence that he received Rs.2,70,000/- and he has also deposited the said amount to the credit of Crime No.349 of 2021 before the learned Judicial Magistrate, Thuraiyur. Hence, he opposed to grant anticipatory bail.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner is ready to deposit the balance amount of Rs.2,70,000/- to the credit of Crime No.349 of 2021 before the learned Judicial Magistrate, Thuraiyur, and thereby, he would seek for anticipatory bail.

6. Heard. Perused the materials available on record.

7. Taking into consideration the facts and the submissions and the petitioner is ready to deposit the balance amount of Rs.2,70,000/- to the credit of Crime No.349 of 2021 before the learned Judicial Magistrate, Thuraiyur, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate, Thuraiyur, on condition that the petitioner shall execute 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 condition 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 deposit a sum of Rs.2,70,000/- (Rupees Two Lakhs and Seventy Thousand only) to the credit of Crime No.349 of 2021 before the learned Judicial Magistrate, Thuraiyur, without prejudice to his defence, within a period of four weeks from the date of receipt of a copy of this order, failing which, the anticipatory bail granted to the petitioner shall stand automatically cancelled;

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/12/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
THURAIYUR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
THATHAIYANGAR PET POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.

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

+1 CC to M/s.VETRIVEL B, Advocate (SR-14946[I] dated 15/12/2022)

ORDER
IN
CRL OP(MD) No.19286 of 2021
Date :14/12/2022

SJI
MK/VR/SAR 4/22.12.2022/3P/6C