



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.18038 of 2022

Edwin Raja

... Petitioner/ Sole Accused

Vs

State rep through
The Inspector of Police,
Pattukottai Police Station,
Thanjavur District.
Cr. No. 363/2022.

... Respondent/Complainant

For Petitioner : Mr.K.Navaneetharaja
Advocate.

For Respondent : Mr.M.Sakthi Kumar
Govt. Advocate (Crl. Side)

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

PRAYER :-

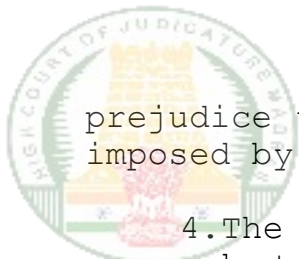
For Anticipatory Bail in Crime No. 363 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 408 IPC, in Crime No.363 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was working as Lab Assistant in the defacto complainant's hospital and the petitioner has sold the medical equipment to the other hospital and also purchased medical equipment by using the hospital's name and misappropriated a sum of Rs.5,13,839/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the second anticipatory bail application. The earlier application filed by the petitioner in Crl.O.P.(MD)No.6980 of 2022, was dismissed on 22.09.2022. He further submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, he would further submit that the petitioner, without



prejudice to his rights, is ready to deposit the amount that he is liable to be imposed by this Court.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner has misappropriated a sum of Rs.5,13,839/- by using the hospital's name and the alleged amount is yet to be recovered.

5.Considering the above and also the nature of the charges levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, pattukottai, Thanjavur District on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall **deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.363 of 2022 before the learned Judicial Magistrate concerned** within a period of two weeks without prejudice to his rights and contentions. The petitioner shall execute the sureties on showing the receipt of the said amount.

(c) the petitioner shall report before the respondent police **once in a week i.e., on every Wednesday at 10.30 a.m.,** for a period of four weeks, and thereafter, as and when required for interrogation.

(d)the petitioner shall not tamper with the 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]**; and;



(g) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/10/2022

/ TRUE COPY /

WEB COPY

/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PATTUKOTTAI POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.18038 of 2022

Date : 07/10/2022

SS/SVR/SAR I/11/10/2022/ 3P 5C