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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 01/11/2022

PRESENT

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

**CRL OP(MD) . No.19270 of 2022**

Sathya

... Petitioner/Unnamed Accused

Vs

State rep.by  
The Inspector of Police,  
District Crime Branch,  
Thoothukudi District.  
(Crime No.36/2021).

... Respondent/Complainant

For Petitioner : M/s.Prabu M, Advocate.

For Respondent : Mr.M. Muthumanikkam,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.36/2021 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 offences punishable under Sections 406, 417, 420 IPC in Crime.No.36 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Manager of NTC Logistics India Ltd., and the cheque given by the petitioner / A1, who is the Managing Director of GPR Resume Mt, to the defacto complainant's Company was returned as "in sufficient funds". Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is Ex-Director of the GPR Resume MT Company and she is



not in the position of Director at the time of occurrence. He would further submit that the name of the petitioner is not mentioned in the FIR and her name has been falsely implicated in this case and he seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that totally four accused involved in this case and the A1 to A3 arrested and still in custody. He would further submit that the amount involved in this Crime is Rs.1,13,00,000/- and the investigation of the case has been completed and the final report also filed and the charge sheet is yet to be taken on file.

5. Considering the facts and circumstances of the case and also considering the fact that investigation has been completed and the charge sheet is yet to be taken on file, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. IV, Thoothukudi 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 respondent Police or to the Police Officer, who intends to arrest or 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 deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.36 of 2021 on the file of the above said Judicial Magistrate;

(c) the petitioner shall appear appear before the respondent Police daily at 10.30 a.m., 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;



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

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Sd/-  
01/11/2022

/11/2022  
Sub-Assistant Registrar (C.S.I)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TRP

TO

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

+2. C.Cs. to M/S.PRABU M Advocate SR.No.12214

ORDER  
IN  
CRL OP(MD) No.19270 of 2022  
Date :01/11/2022

SP/GB/SAR I/09/11/2022/3P/7C