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CRL OP(MD). N



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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.19271 of 2022

1. Swaminathan
2. Soundarapandiyan
3. Arunkumar
4. Gokulakrishnan
5. Vinoth
6. Akilan

... Petitioners/
Accused Nos.1 to 4, 6 & 7

Vs

The State rep.by,
The Inspector of Police,
Thandikudi Police Station,
Dindigul District.
Cr.No.132/2022.

... Respondent/Complainant

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

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

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

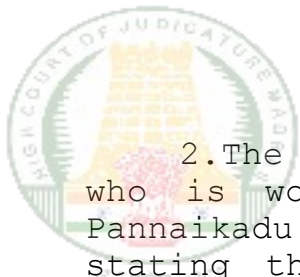
PRAYER :-

For Anticipatory Bail in Crime No.132/22 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, A6 and A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 408, 418 and 465 IPC, in Crime No.132 of 2022, seek anticipatory bail.

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2.The case of the prosecution is that the de-facto complainant who is working as Manager in Aashirwad Micro Finance Limited, Pannaikadu Branch, has lodged a complaint against the accused stating that the accused being collection agents, collected the amount and not paid the collection amount and intentionally cheated the finance limited. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that A5 was already granted anticipatory bail by the Principal Sessions Judge, Dindigul on condition to deposit a sum of Rs.2500/- in Crime No.132 of 2022 before the learned Judicial Magistrate No.I, Kodaikanal. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners being collection agents of Aashirwad Micro Finance Limited, Pannaikadu Branch, collected the amount and not paid the collection amount and intentionally cheated the finance limited to the tune of Rs.3,43,894/-. He would further submit that the investigation is not yet completed and hence, he prayed for dismissal of this petition.

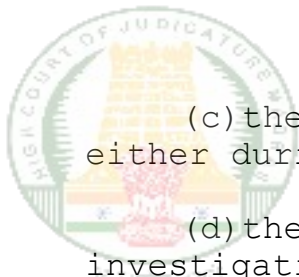
5.Considering the facts and circumstances of the case and also considering the fact that the co-accused has already been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.132 of 2022 before the learned Judicial Magistrate Court No.I, Kodaikanal, Dindigul District, without prejudice to their rights and contentions before the trial Court.

7.On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Magistrate Court No.I, Kodaikanal, Dindigul District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 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 petitioners shall report before the respondent police station at 10.30 am until further orders.



(c) the petitioners shall not tamper with evidence or either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

SJI

TO

1. THE JUDICIAL MAGISTRATE COURT NO.I,
KODAIKANAL, DINDIGUL DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3. THE INSPECTOR OF POLICE,
THANDIKUDI POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.M.KANNAN, Advocate (SR-12298[I] dated 02/11/2022)

ORDER

IN

CRL OP(MD) No.19271 of 2022

Date : 01/11/2022

RK/SBN/SAR-4 (08/11/2022) 3P/6C

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