



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

Date : 10/11/2022

PRESENT

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

CRL OP(MD). No.19567 of 2022

Ottaikaran, ... Petitioner/Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Virudhunagar District
(In Crime No.05 of 2021). ... Respondent/Respondent/Complainant

For Petitioner : M/s.Balasubramanian N, Advocate.

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

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

PRAYER :-

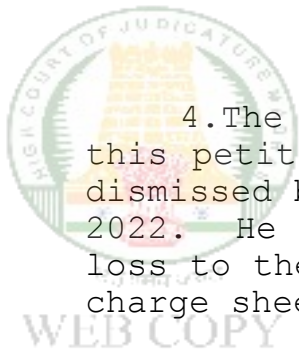
For Anticipatory Bail in Crime No.5 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 465, 467, 468 and 471 IPC, in Cr.No.5 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner colluding with one Duraipandi, who worked as a Sales Team Leader in ABT Maruthi Cars, Srivilliputhur Branch, sold the vehicles to car brokers instead of producing the same to ABT-Maruthi Cars and caused a loss of Rs.43,42,400/- to the company. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the petitioner's second anticipatory bail application and the earlier application was dismissed by this Court, dated 07.10.2022 in Crl.O.P.(MD)No.13690 of 2022. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.



4.The learned Government Advocate(Crl.Side) strongly opposed this petition stating that the petitioner's earlier application was dismissed by this Court, dated 07.10.2022 in Crl.O.P.(MD)No.13690 of 2022. He would further submit that the petitioner has caused huge loss to the company and the investigation has been completed and the charge sheet has already been filed before the concerned Court.

5.Considering the facts and circumstances of the case and also considering the fact that the charge sheet has already been filed before the concerned Court, 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.2, Virudhunagar, 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 report before the respondent police daily at 10.30 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;

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

sd/-
10/11/2022

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR .

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT

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

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-12904[I] dated
11/11/2022)

ORDER
IN
CRL OP(MD) No.19567 of 2022
Date :10/11/2022

sj i
PKP/SSS/SAR-2/18.11.2022/3P/6C