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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 29/11/2022

PRESENT

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

CRL OP(MD). No.20922 of 2022

Rajaram, ... Petitioner/Accused Rank Not Known

Vs

The State Rep. by,  
The Inspector of Police,  
Virudhunagar West Police Station,  
Virudhunagar District.  
(Crime No.169/2022.. ... Respondent/Complainant

Venkatesh, ... Intervene-Petitioner/Defacto Complainant  
in CRL MP(MD).14838 OF 2022  
IN CRL OP(MD).20922 OF 2022

For Petitioner : M/s.Karthikeyavenkitachalapathy,  
Advocate.

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

For Intervenor : Mr.M.Solaisamy,  
Advocate.

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

PRAYER :-

For Anticipatory Bail in Cr No.161/2022 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 120  
(B), 408, 379 and 109 of IPC, in Crime No.169 of 2022, seeks  
anticipatory bail.

2.The case of the prosecution is that A1 namely, Jeyavelan was  
working as a Supervisor in 'A.Rajalakshmi Company' at Virudhunagar,  
dealing with urad dal wholesale business. During the course of his  
<https://www.mca21.in/judis>



employment, the said Jeyavelan along with other accused misappropriated money from the company by sending bags of pulses to various persons and received the value of pulses bags to his own account. By which, he swindled more than Rs.8 lakh. Hence, the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is a customer of the said Company and also a retail vendor of urad dal. He running a business in the name of 'Aqua Pure Technology' at Virudhunagar. He regularly bought urad dal from the Company and distributed the same to his customers. During the course of his business, the petitioner purchased urad dal from the Company by paying money through bank account of the Company. The entire business of the petitioner with the said company was dealt in the form of cash transaction. To that effect, he has also enclosed the papers in the typed set of papers. In such circumstances, the respondent police issued summon to the petitioner and frequently, insisted him to appear before them on the ground that he had money transaction with A1. The petitioner's name was not found in the FIR and there is no fault on the side of the petitioner. He is one of the customer of the said Company. Further, A2 & A3 were already granted anticipatory bail by this Court. Hence, he prays for anticipatory bail.

4.The learned counsel for the Intervenor would submit that even though the petitioner stated that he had money transaction in respect of the business dealings with the defacto complainant's Company, that money was transferred to the account of A1. The present petitioner had received money from the various clients of the defacto complainant's Company and shared the same with other accused. Hence, the petitioner is also a main beneficiary. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the totally 6 accused are involved in this case. The petitioner was arrayed as A6. A1 is the Manager of the defacto complainant Company. He was arrested and still in custody. A2 & A3 are the parents of A1 and they were granted anticipatory bail by this Court. A4 & A5 are the staff of the Company. Based on the confession statement of A1, this petitioner has been implicated in this case. All the accused colluded together misappropriated the amount of Rs.9 lakh and the petitioner's liability is Rs.2,83,250/-. The investigation in this case is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

6.Considering the facts and circumstances of the case and also considering fact that co-accused were released on anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



7. Accordingly, the petitioner shall pay a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** to the credit of Crime No.169 of 2022, without prejudice to his rights and contentions before the trial Court.

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8. On production of such receipt, 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 No.I, 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 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/-  
29/11/2022

/ TRUE COPY /

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



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate No.I,  
Virudhunagar..
2. Do-Through The Chief Judicial Magistrate,  
Viruthunagar District.
3. The Inspector of Police,  
Virudhunagar West Police Station,  
Virudhunagar District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.SOLAISAMY, Advocate ( SR-13893[I] dated 29/11/2022 )

+1 CC to M/s.M.KARTHIKEYA VENKITACHALAPATHY, Advocate ( SR-13920[I] dated 29/11/2022 )

ORDER  
IN  
CRL OP(MD) No.20922 of 2022  
Date : 29/11/2022

TR/SSS/SAR-I(07.12.2022) 4P 7C