



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/01/2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.572 of 2023

V.Dineshkumar

... Petitioner/2nd Accused

Vs

The State rep.by,.

The Inspector of Police,

District Crime Branch, Karur District.

(Crime No.8/2022).

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumaraiah J, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.8/2022 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 offence under Sections 406, 420 of IPC in Crime No.08 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., the Divisional Manager, Reliance Trends, Karur is that the petitioner along with other accused had misappropriated amounts to the tune of Rs.19,51,052/- by way of fraudulent transactions. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely roped into the case. One Suresh Thangasamy and other accused persons have misappropriated the above said amount. During enquiry, the said Suresh Thangasamy had admitted his guilt and returned a sum of Rs.8,49,450/- . The petitioner has also returned Rs.2,46,500 and one



Deepak/A1 admitted to pay Rs.5 lakhs to the Company. However, the petitioner to show his *bonafide*, he is ready to pay 50% of the remaining amount to be paid, since he had already paid Rs.2,46,500/-. Hence, prays to release the petitioner on anticipatory bail.

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4.The learned Government Advocate (Crl.Side) submitted that the petitioner was an employee of Reliance Trends and he along with other accused persons, cheated to the tune of Rs.19,51,450/-. During enquiry, the petitioner and one Suresh Kandasamy had admitted their guilt and paid Rs.2,46,500/- and Rs.8,49,450/- respectively. The first accused also admitted to pay Rs.5 lakhs. The liability fixed on the petitioner and other accused persons is Rs.6 lakhs. They failed to repay the amount. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has already paid a sum of Rs.2,46,500/- and also ready to deposit further amount to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall deposit a sum of **Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime Number 08 of 2022**, without prejudice to his rights and contentions before the trial Court. However, it is made clear that in view of the deposit being made by the petitioner, it would not amount to admission of guilt by him.

8.On such deposit being made, 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.I, Karur**, 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., for a period of four weeks, thereafter, on every Saturday at 10.30 a.m., until further orders;



[c] the petitioner shall not tamper with the 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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/01/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.I,
KARUR.

2 -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR DISTRICT.

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

+1. CC to M/S.SENTHIL KUMARAIAH J Advocate SR.No. 536(I)

ORDER

IN

CRL OP(MD) No.572 of 2023

Date :10/01/2023

VA/SSS/SAR-3/24.01.2023/3P/6C