



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

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.1603 of 2023

1. Srinivasan

2. Venkatraman

... Petitioners / Accused Nos.2 & 3

Vs

State Rep. by
The Inspector of Police,
Central Crime Branch,
Madurai City,
(In Crime No.57 of 2020).

... Respondent / Complainant

For Petitioners : Mr.William Shakespeare, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

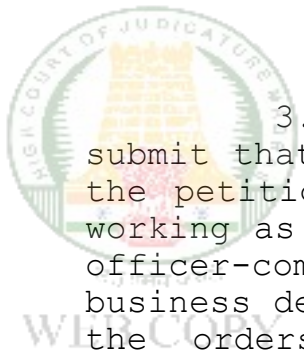
PRAYER :-

For Anticipatory Bail in Crime No.57 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.2 and 3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 403, 406, 420, 465, 467 and 468 of I.P.C., in Crime No.57 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the general reconciliation of accounts found that their ex-employees viz., A1 and the petitioners have indulged in serious misappropriation of companies property ie., commercial water purifier unit by committing forgery, cheating, falsification of documents, criminal breach of trust and conspiracy, caused huge financial loss to the company. Hence, the complaint.



3. The learned counsel appearing for the petitioners would submit that there are totally three accused in this case, in which, the petitioners are arraigned as A2 and A3. The first accused was working as a Territory Head, the first petitioner was working as an officer-commercial and the second petitioner was working as a business development manager in the defacto complainant and approved the orders in order to supply water purifiers. The defacto complainant used to give machineries on a credit basis. 120 days time is left for repaying the amount. After 120 days, the defacto complainant verified and found that the first accused placed orders and thereafter, without supplying the machineries to the customers, he sold out to the third parties and thereby caused loss to the tune of Rs.58.50 lakhs. Therefore, the role played by the petitioners is limited and the first accused only cheated the defacto complainant and the petitioners are innocent and a false case has been foisted against them.

4. The learned Additional Public Prosecutor (Crl.Side) appearing for the respondent would submit that the first accused was arrested and subsequently, released on bail.

5. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor (Criminal Side) appearing for the respondent.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the first accused was arrested and released on bail and that apart, the crime is of the year 2020, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

7. Accordingly, 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 on which the order copy made ready, before the learned judicial Magistrate No.1, Madurai, 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 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 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, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.



[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.

WEB COPY

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/03/2023

/ TRUE COPY /

/03/2023

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

PS

To

1.The Judicial Magistrate No.1,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Central Crime Branch,
Madurai City.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.WILLIAM SHAKESPEARE Advocate SR.No.3690(I) dated
08.03.2023

ORDER

IN

CRL OP(MD) No.1603 of 2023

Date :07/03/2023

ED/BUC/SAR-1 (13/03/2023) 3P 6C

<https://www.mhc.tn.gov.in/judis>