



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.2055 of 2023

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Malaisamy

...Petitioner/Accused(Sole)

-vs-

The State represented by
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.
(in Cr.No.58 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.58 of 2023.

For Petitioner : Mr.C.Senthil Murugan, Advocate
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 406 and 420 of IPC in Crime No.58 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioner was served as an employee in Pranav Jewellery, where, he misappropriated a sum of Rs.2,68,671/-. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner was working as a Manager in Pranav Jewellery and the other staff have misappropriated the amount. However, a false complaint has been lodged against the petitioner. He would submit that the petitioner is ready to abide by any stringent conditions that may be imposed on him. He would pray for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner was served as an employee in Pranav Jewellery, where, he misappropriated a sum of Rs.2,68,671/-. Hence, the complaint.



He would also submit that the petitioner has no previous pending against him. He would oppose for grant of anticipatory bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner is an innocent and without prejudice to his rights and contentions, the petitioner is ready to deposit a sum of Rs.1,50,000/- to the credit of crime number.

6. Accordingly, the petitioner is directed to pay a sum of Rs.1,50,000/- to the credit of Cr.No.58 of 2023 before the trial Court. Merely because, the petitioner had deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. On production of proof for payment, as stated above, 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Madurai, 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 two weeks and thereafter, every Saturday 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]**.

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

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sd/-
02/02/2023

/ TRUE COPY /

/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cmr

TO

1.THE JUDICIAL MAGISTRATE NO.II, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
THILAGAR THIDAL POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-1707[I] dated
02/02/2023)

ORDER
IN
CRL OP(MD) No.2055 of 2023
Date :02/02/2023

RK/VR/SAR-4 (10/02/2023) 3P/6C