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CRL.O.P(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2023

PRESENT

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

CRL.O.P(MD)No.2822 of 2023

S.Sakthivel

...Petitioner/Accused No.1

-vs-

The State rep.by,
The Inspector of Police,
Commercial Crime Investigation Wing,
Ramnathapuram District.
(Cr.No.01 of 2017)

...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.01 of 2017.

For Petitioner : Mr.K.A.Ramakrishnan, Advocate

For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

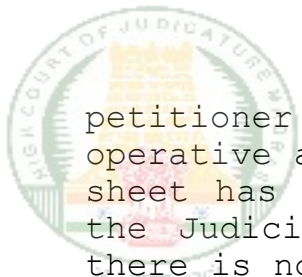
ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 408, 420, 120(B) IPC in Crime No.01 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Kannadasan, the Field Officer, Narippaiyur Primary Agricultural Co-operative Credit Society, Kadaladi Circle is that the accused, who was working as Appraiser in the Co-operative bank in conspiracy and in collusion with the customers, had pledged spurious gold jewels and had misappropriated the amount to the tune of Rs.30 lakhs. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false case has been registered against him. He would further submit that the respondent has completed investigation and filed final report and the petitioner has been shown as absconding accused. He would also submit that the

<https://www.mca.gov.in/judicial>



petitioner was regularly appearing for enquiry before operative authorities and he has not absconded. He added that charge sheet has been taken on file in C.C.No.248 of 2017 on the file of the Judicial Magistrate No.1, Ramnad, Ramanathapuram District and there is no necessity for custodial interrogation and he is ready to appear before the court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner is arrayed as A1, who along with other accused by pledging spurious gold jewels had misappropriated the amount to the tune of Rs.30 lakhs. He would further submit that investigation is pending in C.C.No.248 of 2017 on the file of the Judicial Magistrate No.1, Ramnad, Ramanathapuram District and since the petitioner is shown as absconding accused, Non Bailable Warrant has been issued against him. He would oppose for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case, 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 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.1, Ramnad, Ramanathapuram District, 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 Judicial Magistrate No.1, Ramnad, Ramanathapuram District, everyday at 10.30 a.m., for a period of two weeks and thereafter, on all the hearing dates fixed by the Magistrate.

[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]**.



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

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

CM

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.
- 2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
COMMERCIAL CRIME INVESTIGATION WING,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.RAAMAKRISHNAN KA Advocate SR.No.2138(I)

ORDER
IN
CRL OP (MD) No.2822 of 2023
Date :13/02/2023

VA/BUC/SAR-1/27.02.2023/3P/6C