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CRL OP(MD).



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

Date : 16.03.2023

PRESENT

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

CRL OP(MD).No.4958 of 2023

Panneerselvam

... Petitioner/Sole Accused

Vs.

The State represented by
The Inspector of Police,
District Crime Branch,
Karur District.
(In Cr.No.3 of 2018)

... Respondent/Complainant

For Petitioner : Mr.S.Gokul Raj
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.3 of 2018 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the Accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 464, 468 and 471 of IPC, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant along with eight persons were running a Finance Company namely 'Kiruthiga Finance, Kiruthiga Credits', wherein, the petitioner was the Managing Partner and he was looking after the day today affairs of the Finance Company. Due to some mismanagement found by the partners, the defacto complainant and others were retired from the Finance Company in the year 2016. After reliving from the Finance Company, the petitioner as Managing Partner had created false



deposit receipts, as if the defacto complainant is also liable to repay the deposits. Hence, the complaint.

4. Heard both sides and perused the materials available on record.

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5. It is seen that the crime is of the year 2018 and it is the allegation, which is serious in nature, that the petitioner has received a sum of Rs.20,00,000/- from nine depositors in the name of 'Kiruthiga Finance, Kiruthiga Credits' even after his retirement and failed to account the same in the name of the Company. So far, the petitioner was not arrested by the respondent police. It is also seen that the petitioner was retired from the Finance Company in the year 2016 itself and therefore, custodial interrogation of the petitioner does not require. Therefore, 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 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.1, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 daily at 10.00 a.m. without fail, for a period of two weeks and thereafter as and when required for interrogation;

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;



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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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16/03/2023

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

vsd

TO

- 1.The Judicial Magistrate No.1, 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.S.GOKULRAJ, Advocate (SR-4392[I] dated 16/03/2023)

ORDER

IN

CRL OP (MD) .No.4958 of 2023

Date : 16.03.2023

NA/CG/SAR-2/28.03.2023/3P/6C