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CRL OP(MD)



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.03.2023

PRESENT

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

CRL OP(MD)No.9200 of 2022

Pothiraja ... Petitioner/Accused (Sole)

Vs

State rep.by
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.
(Crime No.273 of 2022)

... Respondent/Complainant

Sathishkumar ... Intervener/Defacto Complainant
in CRL MP(MD).6865/2022 in CRL OP(MD).9200/2022

For Petitioner : Mr.R.Shenbagaraj, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.
For Intervenor : Mr.S.Poornachandran, Advocate

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

PRAYER :-

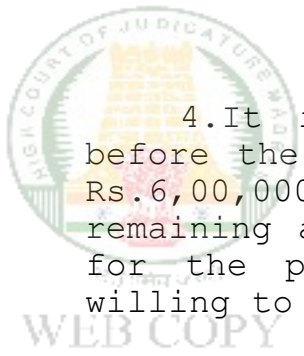
For Anticipatory Bail in Crime No.273 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 IPC in Crime No.273 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as Manager in Keerthy Pharma wherein the petitioner is working as Salesman and he misappropriated to the tune of Rs.15,00,000/-. Hence, the case.

3.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the intervenor and the learned Additional Public Prosecutor appearing for the respondent police.



4.It is seen that this case was referred to media before the mediation, the parties agreed to settle to the tune of Rs.6,00,000/- and the petitioner already paid Rs.2,00,000/- and the remaining amount has not been paid. The learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to pay the remaining amount.

5.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall pay Rs.4,00,000/- to the defacto complainant directly by way of demand draft on or before 10.04.2023.

6.On such payment made, 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, daily at 10.30 A.M., 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].

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

sd/-

09/03/2023

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

gns

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



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-3766[I] dated
09/03/2023)

ORDER

IN

CRL OP(MD) No.9200 of 2022

Date :09/03/2023

RS/CG/SAR-4 (21.03.2023) 3P 6C