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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/06/2023

PRESENT

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

CRL OP(MD) . No.9908 of 2023

1. B. Rajesh

2. Vasuki.R

... Petitioners/Accused 1 & 2

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
Thanjavur District.
(Crime No.10 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Senthil.M.P,
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.10 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of I.P.C., in Crime No.10 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had misappropriated the college fees to the tune of Rs.1 crore for the academic year 2020-21 and 2021-22. Further, for the purpose of misappropriating the college fund, without any prior authority, the petitioners have also opened a bank account in the name of the "Principal, Dr.S.R.J.College of Education, Thanjavur" in the Central Bank of India at Palli Agraharam. Hence, the complaint.

<https://www.mhcoj.in/judis>



3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that the de-facto complainant is none other than the father of the first petitioner. Even according to him, the trust fund has been deposited to the personal account of the first petitioner. It is also seen that there are exists dispute between the father and son. Further, some other proceedings also pending between them by way of writ petition. Therefore, the custodial interrogation of the petitioners do not require in this case.

5.Taking into consideration of the facts and circumstances of the, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6.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.II, Thanjavur, 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 first 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; and the second petitioner shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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 FI registered under Section 229A IPC.

sd/-
08/06/2023

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/ 06/2023

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

sj i

TO

1.THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR DISTRICT.

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

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-8408[I] dated 09/06/2023)

ORDER

IN

CRL OP(MD) No.9908 of 2023

Date :08/06/2023

RK/BUC/SAR- (15/06/2023) 3P/6C