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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2023

PRESENT

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

CRL OP(MD). No.12459 of 2022

V.R.Kumar

... Petitioner/A1

Vs

The State represented by
The Inspector of Police,
Cantonment Police Station,
Trichy City.
(Crime No.1039 of 2022).

... Respondent/Complainant

G.Murugesan

... Petitioner/Defacto Complainant
in CRL MP(MD) No.9485 of 2022

For Petitioner : Mr.B.Jameel Arasu,
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

For Intervenor : Mr.C.K.M.Appaji

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

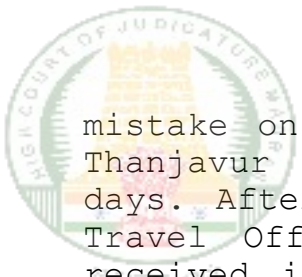
PRAYER :-

For Anticipatory Bail in Crime No.1039 of 2022 of 2020 on the
file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 417 and
420 of I.P.C. in Crime No.1039 of 2022 on the file of the respondent
police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant,
namely, Murugesan sent a parcel through SRS Bus Travels from Mumbai
to Trichy on 02.11.2021 and the said parcel contains sarees, toys
and children play articles. On 06.11.2021, when the defacto
complainant went to the Branch of SRS Bus Travels at Trichy to
enquire about the parcel, the petitioner, who was working as a
Manager of the Travels informed the de-facto complainant that by



mistake on their driver part, the said parcel was sent by bus to Thanjavur and directed the defacto complainant to come after two days. After two days, again the defacto complainant went to SRS Travel Office, the petitioner informed that no such parcel was received in the name of the defacto complainant in their travel office from Bangalore and asked the de-facto complainant to make necessary enquiries from Bangalore Office. After enquiry, he came to know that the said parcel was already sent to Trichy by bus and also shown CCTV footage in this regard. Hence, the case.

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

4.It is seen that after receiving the said parcel, such as silk sarees and cotton sarees, which was sent by the defacto complainant, the petitioner sold out the same to the third party.

5.In view of the above, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

6.Accordingly, the petitioner shall deposit a sum of Rs.1,50,000/ (Rupees One Lakh and Fifty Thousand only) to the credit of Crime No.1039 of 2022 before the learned Judicial Magistrate Court No.II, Trichy, without prejudice to his rights and contentions.

7.On of such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.II, Trichy, 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 three 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/-

08/03/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY.
- 3 THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JAMEEL ARASU B Advocate SR.No.3747

ORDER

IN

CRL OP(MD) No.12459 of 2022

Date :08/03/2023

SS/SBN/SAR III/20/03/2023/3P/6C