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CRL OP(MD). A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/06/2023

PRESENT

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

CRL OP(MD). No.10115 of 2023

Adaikalaraj

... Petitioner/Accused No.4

Vs

The State rep.by,
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
Crime No.245 of 2023..

... Respondent/Complainant

For Petitioner : Mr.Suresh Kannan.C,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.245 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 407,413,120(B),506(ii) of IPC in Crime No. 245 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a house article and cell phone business in the name and style of Mohan Shopping in which A1 was working as a stock- in charge and Salesman for the past two years. Thereafter A1 did not come to job. It is further alleged when stock auditing was conducted on 18.04.2023 articles worth about Rs.22,00,000/- was not found in the godown, hence the case.



3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the first accused was working in the shop belonging to the defacto complainant as salesman and without the knowledge of the defacto complainant he sold the household articles worth about Rs.5lakhs. The petitioner acted as bank agent and he collected money from the purchasers and shared profit about Rs.2,20,000/- However the petitioner is now ready and willing to deposit substantial amount as directed by this Court without prejudice to his rights and defence. Taking into consideration all the above the facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioner , with certain conditions:

5. 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.I, Kumbakonam 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 pay a sum of Rs. 2,00,000/- (Rupees Two lakhs only) to the credit in Crime No.245 of 2023 on the file of the respondent police before the learned Judicial Magistrate No.I, Kumbakonam. On such payment , the concerned Magistrate is directed to accept the sureties furnished by the petitioner.

[c] the petitioner shall report before the respondent police daily at 10.30 am., for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 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].

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

sd/-

09/06/2023

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/06/2023

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

AAV

TO

1.THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR.

3.THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-8371[I] dated
09/06/2023)

ORDER

IN

CRL OP(MD) No.10115 of 2023

Date :09/06/2023

RK/CG/SAR- (13/06/2023) 3P/6C