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

Date : 18/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15117 of 2023

1. Eswari,

2. Bose,

... Petitioners/ Accused No.2 & 3

Vs

The State through,
The Inspector of Police,
Economic Offences Wing,
Virudhunagar District.
(Crime No.4 of 2023).

... Respondent/ Complainant

For Petitioner : P.R Prithiviraj,
Advocate.

For Respondent : Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 4 of 2023 on the file of the respondent Police.



ORDER : The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 409, 467, 471, 477A, 420 and r.w 34 of IPC, in Crime No.4 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with the other accused persons have misappropriated the societies fund. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that due to previous enmity, the present complaint has been given by the defacto complainant. He further submitted that during the course of enquiry, the first accused admitted his guilt and repaid the misappropriated amount in part and assured to repay the remaining amount. He further submitted in pursuance of Section 81 of TNCSA Enquiry report, surcharge proceedings were initiated against the petitioners and the order has been passed on 28.09.2022. Challenging the same, appeal has been preferred in C.M.A(CS)No.32 of 2022 before the learned Principal District Judge, Srivilliputtur and the same is pending. He further submitted that the petitioners are ready to co-operate with the respondent police to co-operate for the investigation.

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4. The learned Government Advocate(Crl.Side) appearing for the respondent submits that no previous case is pending against the petitioners and also submitted that the petitioners' property has also been attached by the concerned Authorities.

5.Considering the facts and the circumstances of this case and also of the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners, however, with stringent conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate No.2, Virudhunagar, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with common sureties, each for a like sum to the satisfaction of the learned Magistrate concerned; and the petitioners shall appear before the respondent police daily at 10.30 am until further orders and to co-operate the respondent police to complete the process of investigation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy is made ready, failing which,

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the petition for anticipatory bail will stand dismissed. During the course of investigation, if the custodial interrogation of the petitioners are necessary, the respondent shall move the proper application before the concerned Judicial Magistrate Court.

sd/-
18/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE NO.2,
VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTUR.

3 THE INSPECTOR OF POLICE
ECONOMIC OFFENCES WING,
VIRUDHUNAGAR.

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

+1 CC to M/s.P.R.PRITHIVIRAJ, Advocate (SR-12534[I] dated 21/08/2023)



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SSA/VR/07.09.2023/5P/6C

IN
CRL OP(MD) No.15117 of 2023
Date :18/08/2023

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