



CRL OP(MD). No.16518 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1. K.Saravanan @ Saravanakumar,
2. R.Dinesh,
3. K.Raja,
4. K.Uthirapathi

... Petitioners/Petitioners/ Accused No.2,3,5 & 9

Vs

State Rep.by
The Inspector of Police,
Thuvakudi Police Station
Trichy District.
Crime No.146 of 2023.

... Respondent/Respondent/Complainant

For Petitioners : M/s.B.Micheal Sebastin, 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.146 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 408, 379, 420, 467,



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468, 471,120 (B) of IPC in Crime No.146 of 2023 on the file of the respondent police,
seek anticipatory bail.

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2.The case of the prosecution is that the defacto complainant is working as Manager of the Regional Engineering Enterprises cum Regional Engineering Works situated at Thuvakudi. He engaged the first accused, who is running the lorry booking office, for transporting the materials. The first accused engaged the second accused, who is owner of the lorries. During the month of June 2022, the material was dispatched through the second accused lorries, which were driven by the accused Nos.3 to 10 and it was found that there was some shortage of the materials. Hence, the complaint

3.The learned counsel for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that A1 in this case was granted anticipatory bail by this Court, hence he seek anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the accused person have committed misappropriation of materials to the tune of Rs.17 lakhs. He would further submit that some of the accused are still absconding and the signatures in the indent have to be verified. Further investigation is still in the initial stage, hence he objected to grant anticipatory bail to the petitioners.



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5. Heard both side and perused the materials available on record.

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6. Considering the rival submissions on either side and considering the date of registration of the First Information Report and also the fact that the earlier complaint which was given was closed as Mistake of Fact and considering the fact that A1 was granted anticipatory bail by this Court and considering the nature of offence and other aspects, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. 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.VI, Trichy 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.00 am., until further orders.

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

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial



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Court is entitled to take appropriate action against the petitioner 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].

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

sd/-
15/09/2023

/ TRUE COPY /

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.VI, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, THUVAKUDI POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.V.VIJAYENDIRAN, Advocate (SR-13733[I] dated 15/09/2023)



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ORDER

IN

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Date :15/09/2023

RS/VRS/SAR-(20.09.2023) 5P 6C

Madurai Bench of Madras High Court is issuing
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