



CRL OP(MD). No.16474 of 2023

WEB COPY

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

Date : 10/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.16474 of 2023

Sivakumar,

... Petitioner/ Accused No.2

Vs

**State Rep.by
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
Crime No.32 of 2023..**

... Respondent/ Complainant

N.Nagarajan

**...Petitioner/ Intervener
in CrI MP(MD)No.13489 of 2023**

**For Petitioner : M/s.Vanchinathan S, Advocate.
For Intervenor : M/s.R.Suriya Narayanan, Advocate
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor**

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

PRAYER :-

For Anticipatory Bail in Cr.No.32 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who apprehends arrest at the hands of the respondent police

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.16474 of 2023

for the offences punishable under Sections 406,420,294(b),506(i) and 120(B) of IPC in Crime No.32 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused conspired together to cheat the defacto complainant and according to their conspiracy from 28.01.2023 to 18.07.2023 A1 to A3 purchased 12,450 ton coal on various dates for a sum of Rs.9,94,78,608/- from the company of the defacto complainant and sold the above coal to A1 to A3 through e.way bill and subsequently A1 to A3 sold the coal to retailers and they repaid only Rs.4,84,87,073/- to the defacto complainant's company and they did not pay the balance amount of Rs.5,09,91,537/- to the company of the defacto complainant and misappropriated the above said amount and thereby they committed criminal breach of trust and thereafter on 18.07.2023 when the defacto complainant went to the office of the accused and asked about the balance amount all the accused persons abused him in filthy language and also threatened him with dire consequences. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that co- accused was granted bail by this Court. Therefore, he prayed for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.16474 of 2023

Police would submit that the accused persons committed criminal breach of trust, hence, he strongly objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner and co- accused was granted bail by this Court.

5.Considering the facts and circumstances of the case and also the fact that co-accused was granted bail by this Court and no previous case is pending against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6.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.IV, Thoothukudi 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.



CRL OP(MD). No.16474 of 2023

WEB COPY

[b] the petitioner shall appear before the trial Court on summons

[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/-
10/10/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1 THE JUDICIAL MAGISTRATE NO.IV
THOOTHUKUDI.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.16474 of 2023

- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.VANCHINATHAN, Advocate (SR-14912[I] dated 10/10/2023)

ORDER
IN
CRL OP(MD) No.16474 of 2023
Date :10/10/2023

PKP/JGB/SAR- /17.10.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023