



WEB COPY

CRL OP(MD). N



21

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.20534 of 2021

G.Anantharaja

... Petitioner/Accused No.1

Vs

1.The State rep.by,
The Inspector of Police,
City Crime Branch (CCB) Police Station,
Trichy.
(Crime No.24/2021).

... Respondent/Complainant

2. Sivakumar,
Managing Director of Dr. AG Eye Hospital Pvt. Ltd.
No.6, Officer Colony,
Puthur, Trichirappalli - 620 107. ...2nd Respondent

(R2 suo-motu impleaded vide order dated
22.12.2021 in CRL OP(MD)No.20534 of 2021)

For Petitioner : M/s. Ramsundarvijayraj.S,
Advocate.

For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For R2 : Mr.B.Janath Ahmed, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.24 of 2021 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 120(B),



406, 420 and 468 of I.P.C., in Crime No.24 of 2021 on the of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused had misappropriated the hospital funds and caused loss to the hospital to the tune of Rs.5,92,90,888/-. Hence, the case.

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

4.It is seen that the de-facto complainant and the petitioner are brothers. There is some dispute in respect of their shares. Therefore, all the allegations are civil in nature and the custodial interrogation of the petitioner is not required in this case.

5.In view of the above, 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.1, Tiruchirappalli, 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 two 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 FI registered under Section 229A IPC.

sd/-
08/03/2023

WEB COPY

/ TRUE COPY /

/03/2023

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

sj i

TO

1.THE JUDICIAL MAGISTRATE NO.1, TIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH (CCB) POLICE STATION,
TRICHY.

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

+1 CC to M/s.S.RAMSUNDARVIJAYARAJ, Advocate (SR-3717[I] dated
08/03/2023)

ORDER
IN
CRL OP(MD) No.20534 of 2021
Date :08/03/2023

RK/SBN/SAR-3 (21/03/2023) 3P/6C