



CRL OP(MD). No.16954 of 2023

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

Date : 20/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.16954 of 2023

Senthil @ Senthil Kumar

... Petitioner / Sole Accused

Vs

The State Rep by
The Sub Inspector of Police,
Thottiyam Police Station
Tiruchirappalli.
(Crime No. 239/2023.)

... Respondent / Complainant

For Petitioner : Mr.D.Shanmugaraja Sethupathi, 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. 239 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-



CRL OP(MD). No.16954 of 2023

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The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 506(1) IPC in Crime No.239 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is having a jewelry pawn shop and the petitioner herein has been working there for the past 15 years. Due to the illness of the defacto complainant, he was unable to visit the shop and he entrusted the petitioner to look after the accounts of the shop. When the defacto complainant checked the accounts of the shop, he found that there was misappropriation of money and jewels, which were pledged by the customers were missing. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has been falsely implicated in this case and hence, he prayed for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner was working as Accountant in the defacto complainant's pawn shop for more than 15 years. Due to illness of the defacto complainant, he entrusted the petitioner to look after the accounts of the shop. Taking advantage of the same, the petitioner misappropriated more than Rs.1 Crore and the amount is yet to be received. Therefore, he strongly objected to grant anticipatory bail to the petitioner.



CRL OP(MD). No.16954 of 2023

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

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6. Considering the rival submissions on either side and and considering that on the complaint given as against the petitioner he also appeared before the respondent police and thereafter the matter was not proceeded further and considering that the allegations are general and no specific allegations as against this petitioner this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

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

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

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

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



CRL OP(MD). No.16954 of 2023

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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 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].

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

sd/-
20/09/2023

/ TRUE COPY /

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

AAV

To

1.The Judicial Magistrate,
Thottiyam.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Sub Inspector of Police,
Thottiyam Police Station,
Tiruchirappalli.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



CRL OP(MD). No.16954 of 2023

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-13967[I] dated 21/09/2023)

ORDER
IN
CRL OP(MD) No.16954 of 2023
Date :20/09/2023

ED/VRS/SAR- (22/09/2023) 5P / 6C

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