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

Date : 10/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21560 of 2022

S.Rakesh

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Central Crime Branch,
Tirunelveli City
(Crime No.19 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Kannan V, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

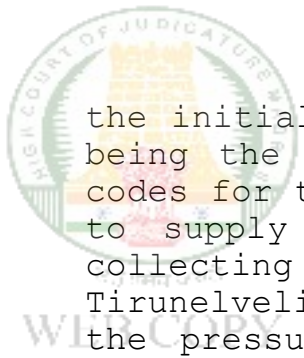
For Anticipatory Bail in Crime No.19 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 418 and 420 of IPC, in Crime No.19 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Manager of TVS Automobile Solution Company Ltd. The petitioner is the Sales Executive of the said company. One Mr.Sankaranarayanan had cheated and defrauded the company to the tune of Rs.1,53,10,918/-. The petitioner conspired with the said Sankaranarayanan and caused huge loss to the Company by creating fake customer codes, wrong accounting etc. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the second petition for anticipatory bail. The earlier petition was dismissed on the ground that the investigation was in progress.



the initial stage. The allegation against the petitioner is being the Marketing Executive had created different fake customer codes for the first accused and thereby made the defacto complainant to supply goods to the tune of more than Rs.1.5Crores without collecting the amount. The petitioner is the Marketing Executive of Tirunelveli District of the defacto complainant's Company. Only on the pressure given by the Company to enhance the sale of their products and as per the advice given by the defacto complainant, to reduce the tax, he had created four customer codes. The petitioner has been working in the company for the past 10 years, without any complaints and the customer codes were created with the knowledge of the Company. The petitioner has not committed any offence and only in order to fasten criminal liability on the first accused, a false complaint has been given. However, to show his *bonafide*, he is ready to deposit the title documents of immovable property worth about Rs.5 lakhs. Hence, prays to enlarge him on anticipatory bail.

4.The learned Additional Public Prosecutor would submit that though this is the second petition for anticipatory bail, there is no change in circumstances and since a huge amount was involved in this case, custodial interrogation of the petitioner is very much necessary. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the readiness and willingness of the petitioner to deposit title deeds worth about Rs.5 lakhs, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner shall deposit the original title deeds of immovable property to the value of Rs.5,00,000/- (Rupees Five Lakhs only) either belonging to himself or friends or relatives, without prejudice to his rights and contentions, before the trial Court to the credit of Crime No.19 of 2021, on such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Tirunelveli**, 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. 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 everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the 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]**; and;

[f] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/01/2023

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/02/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.

2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
TIRUNELVELI CITY.

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

+1. CC to M/S.KANNAN V Advocate SR.No.567(I)
ORDER

IN

CRL OP(MD) No.21560 of 2022

Date :10/01/2023