



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) . No.22959 of 2022

J.Vaiduriyam,

... Petitioner/Accused rank not known

Vs

The State Rep.by,
The Inspector of Police,
E5. Mattuthavani Police Station,
Madurai City, Madurai - 20.
(Cr.No.473 of 2022).

... Respondent

M.Muthuvelrajan

...Petitioner/ Intervenor
(in Crl.MP (MD)No.526 of 2023)

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel
for Mr.S.Rajasekar,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervenor : Mr.K.Samidurai, Advocate

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

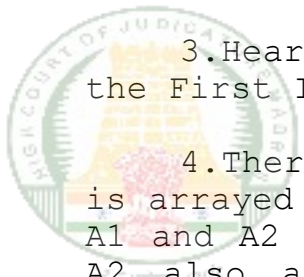
PRAYER :-

For Anticipatory Bail in Cr.No.473 of 2022 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 406 and 420 of I.P.C., in Crime No.473 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused had misappropriated the hospital funds to the tune of Rs.24.50 lakhs. Hence, the case.



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

4. There are two accused involved in this case. The petitioner is arrayed as A2. According to the case of the de-facto complainant, A1 and A2 were working as a Cashier and Axillary Nurse Midwife and A2 also assisted the first accused in the hospital. Both were collected amounts from the respective patients and failed to account the same to the credit of hospital account. Sofar, they found misappropriation to the tune of Rs.24.50 lakhs.

5. The learned Senior Counsel appearing for the petitioner submitted that as far as the petitioner is concerned, she was working as Axillary Nurse Midwife and she is no way connected with the first accused. The first accused is working as a Cashier in the hospital and all the letters produced from the respective patients disclosed that they paid money to her. Hence, the petitioner is nothing to do with the crime as alleged by the de-facto complainant. However, he further submitted that the petitioner, in order to prove her *bona fides*, is ready and willing to deposit some reasonable amount as imposed by this Court, without prejudice to her rights and contentions before the trial Court.

6. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. Accordingly, the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.473 of 2022 before the learned Judicial Magistrate No.6, Madurai, without prejudice to her rights and contentions.

8. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.6, Madurai, 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 FIR can be registered under Section 229A IPC.

sd/-
14/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.6
MADURAI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE E5.
MATTUTHAVANI POLICE STATION,
MADURAI CITY,
MADURAI - 20.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/s.K.SAMIDURAI, Advocate SR.No.4170, dt 14/03/2023.

+ 1 CC TO M/s.LAJAPATHI ROY AND ASSOCIATES, ADVOCATE IN SR NO.15511,
dt.16/03/2023

ORDER
IN
CRL OP(MD) No.22959 of 2022
Date :14/03/2023