



CRL OP(MD) No.254 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Ninth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.254 of 2024

M DINESHKUMAR ... PETITIONER / SOLE ACCUSED
Vs

THE INSPECTOR OF POLICE
THENI POLICE STATION,
THENI DISTRICT.
(IN CRIME NO.622 OF 2023) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SADES KUMAR Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO. 622 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Sections 406, 420 IPC in
Crime No.622 of 2023 seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a
mobile phone dealership agency in the name and style of "S.M. Agency" at Theni.



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The petitioner herein is working as collection agent in the said agency from the year 2021. The defacto complainant came to know through his Accountant that on 27.09.2023, one Sri M.M.Mobiles having outstanding amount of Rs.20,893/- and the same was enquired and they informed that already all the outstanding amount was settled and he also showed the receipts. Thereafter, the defacto complainant came to know that the petitioner herein misappropriated to the tune of Rs.3,14,236/- of the defacto complainant's agency. Hence, the present case came to be filed.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.50,000/- to the credit of crime number and on such deposit, the learned Magistrate shall disburse the same to the *defacto* complainant after obtaining a proper affidavit. In the event of petitioner succeeding in the present case, the amount will be refunded to him. Hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation in this case is not yet completed.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to deposit Rs.50,000/- to the credit of crime number,



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this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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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 of receipt of a copy of this order, before the **learned Judicial Magistrate, Theni** 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.622 of 2023 before the learned Judicial Magistrate, Theni and on such deposit, the learned Magistrate shall disburse the same to the *defacto* complainant after obtaining a proper affidavit. In the event of petitioner succeeding in the present case, the amount will be refunded to him.

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or



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Bank pass Book to ensure their identity;

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(d)the petitioner shall report before the respondent police as and when required;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/--

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Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

GNS



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TO

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1 THE JUDICIAL MAGISTRATE
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
THENI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.S.SADES KUMAR, Advocate (SR-584[I] dated 11/01/2024)

ORDER
IN

CRL OP(MD) No.254 of 2024

Date :09/01/2024

SS/VR/SAR- /19/01/2024/5P/6C

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