



CRL OP(MD) No.3321 of 2024

WEB COPY

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

Monday, the Fourth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3321 of 2024

PANDIARAJAN

... PETITIONER / ACCUSED 2

Vs

THE INSPECTOR OF POLICE  
MUNNEERPALLAM POLICE STATION,  
TIRUNELVELI DISTRICT.  
CRIME NO. 63 OF 2024

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.RAMESHKUMAR, Advocate  
for M/S.PRABHA.S Advocate

For Respondent : Mr.S.MANIKANDAN,  
Govt. Advocate ( CrI. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO. 63 OF 2024 ON THE FILE  
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for



CRL OP(MD) No.3321 of 2024

the alleged offence under Sections 381 of IPC in Crime No.63 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the first accused are working in a Ettaeri Abis Exports India Private Limited as Accountant and they used to supply poultry feeds to the retail shops and thereby, they cheated the company for a sum of Rs.5,42,400/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The retail shop owners received the poultry feeds and failed to repay the amount. However, on instructions, he would further submit that the petitioner is ready to deposit a sum of Rs.75,000/- to the credit of Crime No.63 of 2024, before the concerned Judicial Magistrate Court, without prejudice to his rights and contentions. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, liberty may be given to the petitioner for refund of the said amount. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case. Hence, he opposed to grant anticipatory bail to the petitioner.



**CRL OP(MD) No.3321 of 2024**

WEB COPY

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to deposit Rs.75,000/- (Rupees Seventy Five Thousand Only) to the credit of Crime No.63 of 2024, before the concerned trial Court, without prejudice to his right and contention, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, 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 and on further condition that:

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

(b)the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of the Crime No.63 of 2024 before the concerned trial



CRL OP(MD) No.3321 of 2024

WEB COPY

Court, without prejudice to his defence before the trial Court, within a period of two weeks from the date of receipt of copy of this order. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, the petitioner is entitled for refund of the said amount;

(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 Bank pass Book to ensure their identity;

(d)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;

(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;



CRL OP(MD) No.3321 of 2024

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

sd/-  
04/03/2024

/ TRUE COPY /

/03/2024  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

INDU  
TO  
1 THE JUDICIAL MAGISTRATE NO.V,  
TIRUNELVELI.  
  
2 DO THROUGH THE CHIEF JUDICIAL  
MAGISTRATE, TIRUNELVELI DISTRICT.  
  
3 THE INSPECTOR OF POLICE  
MUNNEERPALLAM POLICE STATION,  
TIRUNELVELI DISTRICT.  
  
4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.3321 of 2024  
Date :04/03/2024

SA/VR/SAR. /14.03.2024/5P/5C  
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.