



CRL OP(MD) No.3587 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Twenty Second day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3587 of 2024

N.JEGANATHAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.20/2024.

... RESPONDENT/COMPLAINANT

R.RAJARAM

... PETITIONER/INTERVENER/INFORMANT
IN CRL MP(MD).3248/2024 IN CRL OP(MD).3587/2024

For Petitioner : MR.ANANDA KUMAR, Advocate
for M/S.K.RAMANATHAN, Advocate

For Respondent : MR.P.KOTTAICHAMY,
Government Advocate (Crl.Side)

For Intervenor : MR.N.DILIP KUMAR, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.20/2024 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER: The Court Made the following order :-

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The petitioner / Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 408, 420, 294 (b) and 506(ii) of I.P.C. in Crime No.20 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who was the employee in the defacto complainant's Company, has misappropriated a sum of Rs.13,50,000/- from the Company. When the same was questioned by the defacto complainant, the petitioner herein abused the defacto complainant by using filthy language and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that, the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.1,50,000/- to the defacto complainant / Company. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the petitioner herein has misappropriated some amount from the defacto complainant's company. Hence, he prays for dismissal of this petition.



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5. The learned counsel appearing for the intervener would submit that the petitioner has misappropriated a sum of Rs.15,00,000/- from the defacto complainant's company and he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District, 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) As per the undertaking given by the petitioner, the petitioner shall deposit a sum of Rs.1,50,000- (Rupees One Lakh and Fifty Thousand only) to the credit of Crime No.20 of 2024 before the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District and on such deposit, the learned Judicial Magistrate shall disburse the same to the defacto complainant after obtaining a proper affidavit. In



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the event of the petitioner succeeds in the criminal case, the petitioner will be entitled for the refund of the said amount.

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(b) 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;

(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 for a period of two weeks at 10.30 A.M., 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;



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

sd/-
22/03/2024

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/03/2024

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

TSG

TO

1 THE JUDICIAL MAGISTRATE, THIRUVADANAI,
RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.N.DILIP KUMAR, Advocate SR.No.3733[I] Dated 26/03/2024

ORDER IN
CRL OP(MD) No.3587 of 2024
Date :22/03/2024

RS/GS/SAR-(28.03.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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