



CRL OP(MD). No.7512 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.7512 of 2024

P.Premkumar

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi District.
(Crime No.40 of 2023).

... Respondent/Complainant

For Petitioner : Mr.V.Malaiyendran, Advocate.

For Respondent : Mr.A.Thiruvadikumar, Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.40 of 2023 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 the offences punishable under Sections 406, 409, 420 IPC, in Crime No.40 of 2023 on the file of the respondent police, seeks anticipatory bail.



CRL OP(MD). No.7512 of 2024

WEB COPY

2.The case of the prosecution is that the defacto complainant maintain savings account No.G01426 at Co-operative bank, Velayuthapuram branch, Kovilpatti, Thoothukudi District. Every week he deposited an amount in the abovesaid bank for the purpose of Labour bonus saving. The petitioner is working as a collection agent and he collected an amount and gave a receipt and accounts would maintain in a register. On 11.04.2023 the defacto complainant has verified his account and only Rs.1,70,000/- was credited but he has paid a sum of Rs.7,71,000/- and the said amount was not accounted properly. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is only a collection agent and as per his role after collecting the amount he has properly handover to the manager, who is accused No.2 in this case. He further submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has cheated the defacto complainant and the investigation is going on, hence he prayed for dismissal of the anticipatory bail application.

5. The learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs



CRL OP(MD). No.7512 of 2024

Only).

WEB COPY

6.Taking into consideration the facts and circumstances of the case and also recording the submission of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 No.IV, Thoothukudi, 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 learned Magistrate concerned and on further conditions 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 Aadhaar 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 deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) in three installments to the credit of Cr.No.40 of 2023, on the file of the learned Judicial Magistrate No.IV, Thoothukudi without prejudice to his contentions and rights before the trial Court. The petitioner shall pay the first installment of



CRL OP(MD). No.7512 of 2024

WEB COPY

Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) on or before 03.06.2024, shall pay the second installment of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) on or before 03.07.2024 and shall pay the third installment of Rs.2,00,000/- (Rupees Two Lakhs only) on 05.08.2024. Failing which, the respondent police is at liberty to file a petition before this Court for cancellation of anticipatory bail.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]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 is 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].

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.7512 of 2024

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE NO.IV, THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-5647[I] dated 23/05/2024)

ORDER

IN

CRL OP(MD) No.7512 of 2024

Date :22/05/2024

RS/VR/SAR-(23.05.2024) 5P 6C

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