



CRL OP(MD). No.8918 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.8918 of 2024

Sebastian Mery @ Sebastimary

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Thiruppalai Police Station,
Madurai District.

Crime No.568/2024

... Respondent/Complainant

For Petitioner : M/s.G.D.Manikandan, Advocate.

For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.568/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 420, 468 and 471 IPC in Cr.No.568 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a petrol bunk and the petitioner's son/ A1 is working as a Manager from March 2023 in the said bunk. During audit inspection, it was found that A1 misappropriated a sum of Rs.25,00,000/-. Hence, the complaint.



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3.The learned counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that based on the complaint given by the owner of the petrol bunk, a case has been registered against the petitioner's son/A1, who was working as Manager in the said bunk. A1 misappropriated a sum of Rs.25,00,000/-. Hence, the learned Additional Public Prosecutor has strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner/A3 is only mother of A1, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, (Fast Track Court at Judicial Magistrate Level) 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:



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(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 on every Saturday at 12.00 p.m until further orders.

(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]; and;

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

sd/-
04/07/2024

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/07/2024

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



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TO

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1 THE JUDICIAL MAGISTRATE NO.I
(FAST TRACK COURT AT JUDICIAL MAGISTRATE LEVEL), MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, THIRUPPALAI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.G.D.MANIKANDAN, Advocate (SR-7629[I] dated 08/07/2024)

ORDER

IN

CRL OP(MD) No.8918 of 2024

Date :04/07/2024

RS/JGB/SAR-(16.07.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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