



CRL OP(MD)No.9545 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2024

PRESENT

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

CRL OP(MD)No.9545 of 2024

Muthumanickam

... Petitioner/Sole Accused

Vs.

State through
The Sub Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
(Crime No.238 of 2023)

... Respondent/Complainant

For Petitioner : Mr.L.Prabhu 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.238 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-



CRL OP(MD)No.9545 of 2024

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 406, 420 and 422 of IPC, in Crime No.238 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as Zonal Collection Manager in Avanthi Finance Private Limited, Kariapatti, in which, the petitioner was employed as a collection agent, thereby, misappropriated the amount of Rs.3,26,168/-. Thereby, the present complaint has been registered.

3. The learned counsel appearing for the petitioner would submit that that the petitioner is an innocent. Further, the total amount to be paid to the defacto complainant's company by the petitioner is only Rs.2,05,540/- not Rs.3,26,168/-. However, the petitioner is ready and willing to deposit a sum of Rs.75,000/- to the company out of the actual sum of Rs.2,05,540/- in order to show his bona fide and the balance amount of Rs.1,30,540/- could be paid within a period of three months from today. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that when the petitioner was working as collection agent in the defacto

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD)No.9545 of 2024

complainant's company, he misappropriated the fund of Rs.3,26,168/-. Further, no previous case is pending against the petitioner. However, the petitioner is come forward to deposit a sum of Rs.75,000/-, this Court may consider the anticipatory bail application of the petitioner. Hence, he has no objection to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has come forward to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the defacto complainant's company, without prejudice to his rights and contentions to show his bona fide, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, 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



CRL OP(MD)No.9545 of 2024

condition that:

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

(b) 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;

(c) (i) the petitioner shall take a Demand Draft in favour of the defacto complainant's company namely Avanthi Finance Private Limited, Kariapatti, for a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) and produce the same before the learned Judicial Magistrate No.II, Virudhunagar. On production of such Demand Draft, the learned Judicial Magistrate No.II, Virudhunagar, shall accept the sureties furnished by the petitioner and entrust the same directly to the defacto complainant.

(ii) the petitioner shall produce the Demand Draft before the execution of the sureties, failing which this order shall stand automatically cancelled.



CRL OP(MD)No.9545 of 2024

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(iii) after executing the sureties, the petitioner shall take a Demand Draft for a sum of Rs.1,30,540/- in favour of the Avanthi Finance Private Limited, Kariapatti, without prejudice to his right and contention, within a period of three months from the date of receipt of a copy of this order and the proof shall be filed before the concerned Court, failing which, the anticipatory bail granted to the petitioner shall stand automatically vacated.

(d)the petitioner shall report before the respondent police 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



CRL OP(MD)No.9545 of 2024

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/-
08/07/2024

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/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR,
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
KARIAPATTI POLICE STATION
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD)No.9545 of 2024

+1 CC to M/s.L.PRABHU, Advocate (SR-7632[I] dated 09/07/2024)

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ORDER
IN

CRL OP(MD) No.9545 of 2024

Date :08/07/2024

PKP/GS/SAR /19.07.2024/ 7P/ 6C

Madurai Bench of Madras High Court is issuing certified
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