



CRL OP(MD) No.19165 of 2023

WEB COPY

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

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.19165 of 2023

1 KRUTHEEKA @ KIRUTHIKA

2 ASHOKKUMAR

3 E.ARUNKUMAR

... PETITIONER/ ACCUSED 2,3 & 5

Vs

THE INSPECTOR OF POLICE
ALLINAGARAM POLICE STATION,
THENI DISTRICT.
CR.NO.409/2023

... RESPONDENT/ COMPLAINANT

P.VEERAMANI

... PETITIONER/INTERVENER

IN CRL.MP(MD).16309/2023 IN CRL.OP(MD).19165/2023

For Petitioner : Mr.R.MAHESWARAN, Advocate
for M/S.ASHOK S Advocate

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

For Intervenor : Mr.P.SIVACHANDRAN, Advocate

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

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



CRL OP(MD) No.19165 of 2023

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO. 409/2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 406 and 420 of IPC in Crime No.409 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused persons are relatives. The first accused was employed as a Supervisor in the defacto complainant's dhal transportation mill and utilising his post, he illegally taken away the dhal and sold the same in the open market worth about Rs.52,00,000/- (Rupees Fifty Two Lakhs Only). Thereby, the defacto complainant preferred a complaint before the respondent Police.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further, without knowledge of the petitioners, the first accused transferred some amount to the petitioners' account and on next day, he withdrew it. However, on instructions, he would submit that the petitioners are ready to deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) each to the credit of Crime No.409 of 2023, before the learned Judicial Magistrate, Theni, without prejudice to their rights and contentions. Hence, he prays for grant of



CRL OP(MD) No.19165 of 2023

anticipatory bail.

WEB COPY

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case and the fact that the petitioners are ready to deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) each to the credit of Crime No.409 of 2023, before the concerned trial Court, without prejudice to their rights and contentions, I am inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners failed to surrender before the concerned Magistrate within a period of four weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



CRL OP(MD) No.19165 of 2023

WEB COPY

(b) 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;

(c) the petitioners shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) each to the credit of Crime No.409 of 2023, before the learned Judicial Magistrate, Theni, without prejudice to their rights and contentions, within a period of four weeks from the date of receipt of a 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 petitioners succeed in the trial, the petitioners are entitled for refund of the said amount;

(e) the petitioners shall report before the respondent police as and when required for interrogation;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioners shall not abscond either during investigation or trial;

(h) 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



CRL OP(MD) No.19165 of 2023

in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

WEB COPY

(e)if the accused thereafter absconds, a fresh FIR can be registered under Section

229-A IPC;

sd/-

04/01/2024

/ TRUE COPY /

/01/2024

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE
ALLINAGARAM POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-275[I] dated 05/01/2024)

ORDER IN

CRL OP(MD) No.19165 of 2023

Date :04/01/2024

SA/JGB/SAR. /18.01.2024/5P/6C

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