



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

Friday, the Thirtieth day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1550 of 2015

WEB COPY

M.KAMUTHURAI

... PETITIONER/ACCUSED

Vs

1 STATE REP BY THE INSPECTOR OF POLICE
RS MANGALAM POLICE STATION, RS MANGALAM,
RAMANATHAPURAM DISTRICT. CR. NO. 04/2015.
... 1ST RESPONDENT

2 THE SUPERINTENDENT OF POST OFFICES,
RAMANATHAPURAM DIVISION,
RAMANATHAPURAM. ... 2ND RESPONDENT/ DEFACTO COMPLAINANT

For Petitioner : M/S.L.RAJIAH Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

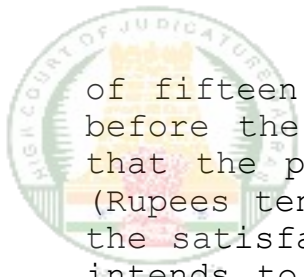
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 409 of the Indian Penal Code, in Crime No.4 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was working as a Postal Assistant in Thiruvadanai Post Office, Ramanathapuram District, during the year 2006. It is alleged that during his tenure, he had misappropriated a sum of Rs.23,180/- in respect of Recurring Deposit of three subscribers. It is seen that this petitioner was suspended from service.

3. The learned counsel appearing for the petitioner submits that the said amount has already been deducted from his salary. The petitioner filed a letter dated 11.02.2011, addressed to the Superintendent of Posts, in which he has stated that he was threatened by the Inspector of Thiruvadanai Police Station on 08.02.2011 and was locked in a room and forcibly was made to admit his guilt.

4. Be that as it may, it will be in the best interest of justice, if Anticipatory Bail is granted to the petitioner, subject to the condition that the petitioner shall deposit a sum of RS.20,000/-. 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, Thiruvadanai, 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) The petitioner shall deposit a sum of Rs.20,000/- [Rupees Twenty Thousand only] to the credit of Crime No.4 of 2015, on the file of the learned Judicial Magistrate, Thiruvadanai, without prejudice to his defence in the criminal case. The said amount shall be disbursed at the end of the trial, in accordance with law.

[b] the petitioner shall report before the respondent police at 06:30 PM for a period of one week and thereafter as and when required for interrogation.

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

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

[d] 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]**.

The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether the petitioner is complying with the order or not.

sd/-
30/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVADANAI
 - 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM
 - 3 THE INSPECTOR OF POLICE, RS MANGALAM POLICE STATION, RS MANGALAM, RAMANATHAPURAM DISTRICT.
 - 4 THE SUPERINTENDENT OF POST OFFICES, RAMANATHAPURAM DIVISION, RAMANATHAPURAM.
 - 5 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.L.RAJIAH Advocate SR.No.4648

ORDER
IN
CRL OP(MD) No.1550 of 2015
Date : 30/01/2015