



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

Monday, the Nineteenth day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP (MD) No.21358 of 2014

KARTHIKEYAN NAIR

... PETITIONER/SOLE ACCUSED

Vs

STATE.REP.BY

THE SUB INSPECTOR OF POLICE

THAKKALAI POLICE STATION,

KANYAKUMARI DISTRICT.

CR. NO.811/2014.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.D.SADIQ RAJA FOR M/S.PALA.RAMASAMY Advocate

For Respondent : MR.C.RAMESH, Additional Public Prosecutor

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 offences punishable under Sections 409 and 420 IPC in Crime No.811 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. This case has been registered pursuant the direction issued by this Court in Crl.O.P.(MD) No.295 of 2014 on 21.01.2014. The case was registered only on 21.10.2014. The petitioner herein is the Manager of Syndicate Bank, Mulegumoodu Branch, Kanyakumari District. It is the case of the defacto complainant that he presented a cheque for Rs.5,00,000/- in the said Branch on 23.03.2013 and the amount was neither credited to his account nor the dishonored cheque leaf returned to him. Therefore, he alleged that the Branch Manager has misappropriated the sum of Rs.5,00,000/- to himself.

4. In this regard, it is seen that the defacto complainant has lodged a case before the District Consumer Forum, Nagercoil in C.C.No.112 of 2013 against the Bank for various reliefs. This complaint essentially appears to be a dispute between the customer and the Bank for deficiency in service. Under such circumstances, I am inclined to grant anticipatory bail to the petitioner. 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, Padmanabapuram, 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 report before the respondent police as and when required for interrogation.

[b] 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].

sd/-

19/01/2015

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

TO

1 THE JUDICIAL MAGISTRATE, PADMANABHAPURAM.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE SUB INSPECTOR OF POLICE
THAKKALAI POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.PALA.RAMASAMY Advocate SR.No.2139

ORDER

IN

CRL OP(MD) No.21358 of 2014

Date :19/01/2015

PA/22.01.15/2P/6C