



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

Tuesday, the Twenty Seventh day of January Two Thousand Fifteen

PRESENT

WEB COPY

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.23844 of 2014

K.LATHA

... PETITIONER / ACCUSED

RANK NOT KNOWN

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE,

SRIRANGAM POLICE STATION,

TRICHY CITY, CRIME NO.781/2014 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.ILLANCHEZHIAN Advocate

For Respondent : MR.C.RAMESH, Government Advocate (Criminal Side)

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

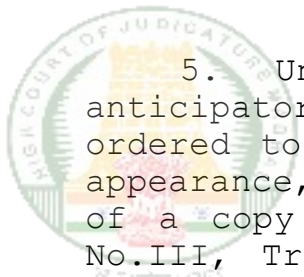
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 IPC in Crime No.781 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. Ex-hypothesi of the prosecution, Xavier Lawrance (A1) in this case was working as Manager in Muthoot Finance and he had misappropriated jewels that were pledged by various customers of the Bank. In this regard, there has been a total misappropriation of Rs.17,86,110/-. A1 was arrested by Police.

4. Police have filed a Status Report. In the said report, they have stated that in the confession statement of A1, he has disclosed that the amount swindled by him was spent on this petitioner. Initially, this Court was not inclined to grant anticipatory bail to this petitioner. But a close reading of the confession statement, it is seen that A1 has not stated that this petitioner knew about the embezzlement. A1 has clearly stated that he has spent Rs.3,00,000/- on this petitioner. It is not stated in the confession statement that he has given Rs.3,00,000/- to this petitioner for safe custody. Therefore, this Court is of the view that custodial interrogation of this petitioner will not be necessary inasmuch as even according to A1, he has spent the money on this petitioner and not that he has parked the misappropriated amount with her or that she had connived with him in the offence.



5. 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Trichy, 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/-

27/01/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III, TRICHY.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3 THE INSPECTOR OF POLICE, SRIRANGAM POLICE STATION, TRICHY CITY.

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

+1. CC to M/S.V.ILLANCHEZHIAN, Advocate SR.No.3465

ORDER IN

CRL OP(MD) No.23844 of 2014

Date :27/01/2015