



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

Thursday, the Twenty Third day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10120 of 2016

1 T. KRISHNAPILLAI
2 S.MANICKAVASAMPILLAI

... PETITIONERS/ACCUSED NOS.2&3

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
CCIW- WING, NAGERCOIL,
KANYAKUMARI DISTRICT.
(CRIME NO.2 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.PALANI VELAYUTHAM Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

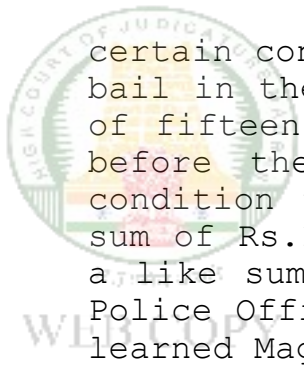
The petitioners, who are arrayed as Accused Nos.2 and 3 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 408, 467, 468, 471, 477(A) of IPC read with Sections 66-C and 72 of Information Technology Act, 2000 in Crime No.2 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the accused misappropriated a sum of Rs.1,00,00,000/- in the Peoples Co-operative Bank, Pulluvilai, Erum pukadu Post, Kanyakumari District. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners and A.1 are working as Assistants in the bank and A.1 alone, who has been entrusted the work of banking operation, misappropriated a sum of Rs.1,00,000/- and he has repaid the amount to the bank.

4.The learned Government Advocate (Criminal side) submitted that already absconding charge sheet filed.

5.Considering the facts and circumstances of the case and also considering the fact that A.1 repaid the amount to the bank, this Court is inclined to grant anticipatory bail to the petitioners with



certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their 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, Tirunelveli, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the concerned Court for all future hearings regularly.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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 in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
23/06/2016

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3.THE ADDITIONAL PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4.THE INSPECTOR OF POLICE, CCIW- WING,
NAGERCOIL, KANYAKUMARI DISTRICT.

+One cc to M/S.S.PALANI VELAYUTHAM, Advocate, SR.No.32436
RL/6c/2P/SK/SKN/SARIII/28/6/2016

ORDER
IN
CRL OP(MD) No.10120 of 2016
Date :23/06/2016