



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11588 of 2016

CHANDRA KALA

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THUCKLAI POLICE STATION,
KANYAKUMARI DISTRICT.
CR. NO.611/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S M.R.SREENIVASAN Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

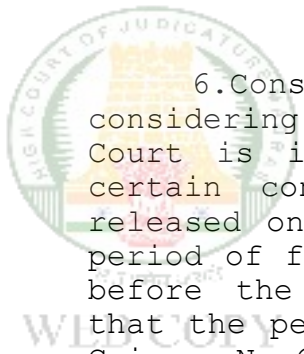
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409 and 420 IPC, in Crime No.611 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner while working as a Franking Machine Operator temporarily from 01.01.2015, misappropriated a sum of Rs.44,206.26. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. For the occurrence, enquiry was conducted and the petitioner deposited a sum of Rs.30,000/- and she was also suspended from service on 22.05.2015 and complaint has been given on 09.07.2016 i.e., after one year. She was not given proper training and even before placing the cards in the machine, it blankly franked and the said fact is not known to the petitioner and she was under the impression that the blank franking will not be calculated and due to that mistake has crept in.

4.The learned counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.14,000/- to the credit of Crime No.611 of 2016 before the learned Judicial Magistrate, padmanabhapuram.



6.Considering the facts and circumstances of the case and also considering the fact that the petitioner was already suspended, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Padmanabhapuram, on condition that the petitioner shall deposit a sum of Rs.14,000/- to the credit of Crime No.611 of 2016 before the learned Judicial Magistrate, Padmanabhapuram and he 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner 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 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].

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

sd/-

14/07/2016

/ TRUE COPY /

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 AT NAGERCOIL.

3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE, THUCKALAY POLICE STATION, KANYAKUMARI DISTRICT.

+1. CC to M/S M.R.SREENIVASAN Advocate SR.No.36568.

ORDER

IN

CRL OP(MD) No.11588 of 2016

Date :14/07/2016