



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

Tuesday, the Nineteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12039 of 2016

A.SREEDEVI

... PETITIONER/ACCUSED

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE,
KOTTICODE POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.168/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S K.SAMIDURAI Advocate

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

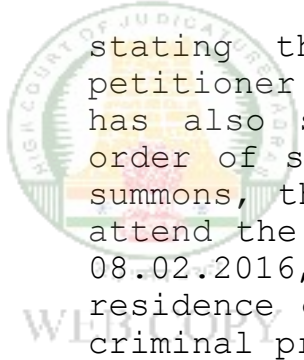
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 409 and 420 IPC, in Crime No.168 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 Sub Post Master in Manalikai Sub Post Office from 28.01.2011 to 13.05.2015, received money from the public and agents in respect of Recurring Deposit Account and made entries in the Pass Book of customers and did not make corresponding entries in the Account Book maintained by the Post Office and thereby, misappropriated a sum of Rs.1,72,979.50. On complaint, a case has been registered for the offences stated above.

3. The case of the petitioner is that she was on causal leave on 04.03.2015 and 05.03.2015 and on 06.03.2015, she joined duty at 11.15 a.m., and thereafter, she went to attend the meeting with SSPO at Divisional Office by handing over the charge. Further, she did not receive any money directly from the customers. The Agents only collected the money. It is the duty of the Agents to get proper endorsement in the Pass Book. The petitioner was informed that a sum of Rs.10,000/- was not brought into the account in respect of one R.D., but, the de-facto complainant has given a complaint



stating that Rs.1,72,979.50 was not accounted. Further, The petitioner was suspended from service on 17.12.2015. The petitioner has also sent her representation dated 24.12.2015 to revoke the order of suspension. On 25.01.2016 without issuing charge memo or summons, the officials had called upon the petitioner over phone to attend the enquiry and admit the misdeeds and repay the amount. On 08.02.2016, the postal employees along with the official came to the residence of the petitioner and threatened that they will initiate criminal proceedings, if she is not accepted to pay the said amount. The petitioner has filed O.A.No.310/00326/2016 before the Administrative Tribunal at Chennai and the same was disposed by the Tribunal with a direction to complete the departmental proceedings as per the rules. Due to that, a false complaint has been given against the petitioner. Further, the petitioner is an innocent and she has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal side) submitted that on receiving complaint from the *de-facto* complainant, the case has been registered and the investigation is going on.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner was suspended from service on 17.12.2015 and disciplinary proceedings have been initiated against her, custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, she 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, Padmanabhapuram, 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 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 daily at 10.30 a.m., for two weeks and thereafter, 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]**.

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 petitioner is complying with the conditions or
not.

sd/-
19/07/2016

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE, PADMANABHAPURAM, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE, KOTTICODE POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO M/S.K.SAMIDURAI, ADVOCATE IN SR.NO.37723

SMN2

CSL/GSV-PM/SAR-I/22.07.2016 : 3P/6C

ORDER

IN

CRL OP (MD) No.12039 of 2016

Date : 19/07/2016