



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

Monday, the Twentieth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.6055 of 2016

MURALIDHARAN

... PETITIONER/ ACCUSED

Vs

1.THE STATE REP. BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL.
DINDIGUL DISTRICT.
IN CR.NO. 66 OF 2015

... RESPONDENT/ COMPLAINANT

2.Mrs.Anithamary

... Intervener

For Petitioner : M/S A.SARAVANAN Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

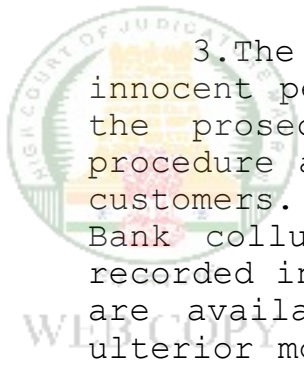
For Intervener : Mr.A.Selvam, Advocate

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, 406 and 420 IPC, in Crime No.66 of 2015, 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 Manager, misappropriated amounts from the loan accounts of various customers. When the de facto complainant took charge as Branch Manager, one Sri Ramadoss, Customer of Canara Bank, Vendasandur Branch, has given a complaint dated 06.07.2015, stating that without his knowledge, a sum of Rs.1,00,000/- has been withdrawn from his account. On verification, it was found that the petitioner misappropriated a sum of Rs.1,25,00,000/- from the accounts of various customers. 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 he has not committed any offence as alleged by the prosecution. The petitioner sanctioned loan as per the procedure and credited the sanctioned amount to the accounts of the customers. Without his knowledge, the cashier and accountant of the Bank colluded together and withdrew the amount and the same is recorded in C.C.T.V. Camera kept in the Branch and all the documents are available in the Bank. The de facto complainant with an ulterior motive, has given a complaint only against the petitioner. Due to the said allegation, the petitioner is suspended from service and departmental proceedings were also initiated against him.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that investigation is pending.

5.The learned counsel for the intervenor has reiterated the averments made in the intervening petition and also submitted that the petitioner while working as Manager, has withdrawn amounts from the accounts of various customers and now 129 customers have given complaints against him stating that more than Rs.2,81,60,000/- is withdrawn without the knowledge of the customers and therefore custodial interrogation of the petitioner is necessary.

6.The main allegation against the petitioner is that after sanctioning loan amount to various customers, he has withdrawn amounts from their accounts without their knowledge. Considering the contentions made on the side of the petitioner that all the withdrawals are evidenced by documents and the petitioner is under suspension and departmental proceedings were also initiated against him and also custodial interrogation is not required, 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 before the learned Judicial Magistrate, Dindigul, and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
20/06/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, DINDIGUL.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, DINDIGUL,
DINDIGUL DISTRICT.

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

+1. CC to M/S A.SARAVANAN Advocate SR.No.31352

+1cc to M/s.A.SELVAM, Advocate, Sr.No.31460

smn

JM/GSV-PM/SAR-I/21.06.2016/3P-7C

ORDER

IN

CRL OP(MD) No.6055 of 2016

Date :20/06/2016