



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

Wednesday, the Eighth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.1326 of 2017

1 RAJENDRAN

2 P.MALATHI

... PETITIONERS / ACCUSED NO.1&2

Vs

THE STATE REPBY
SUB-INSPECTOR OF POLICE
SIVAGANGAI CCIW CID POLICE STATION,
SIVAGANGAI DISTRICT
(CRIME NO.1/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.KANNAN Advocate

For Respondent : P.KANDASAMY Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

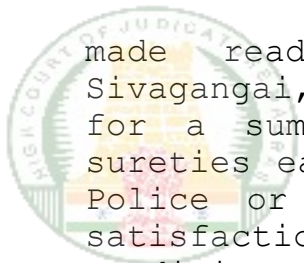
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 408 IPC in Crime No.1 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner is working as a Secretary in NN38, Tharmapatti Primary Agricultural Cooperative Credit Society and the 2nd petitioner is working as an Accountant and they have misappropriated Rs.3 lakhs.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners repaid the said amount with interest.

4.The learned Government Advocate (Crl.side) submitted that totally there are two accused, who are the petitioners herein and the petitioners repaid the entire amount with interest.

5.Considering the facts and circumstances of the case and also taking note of the fact that the entire misappropriated amount was repaid by the petitioners, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is



made ready, before the learned Judicial Magistrate No.II, Sivagangai, on condition that the petitioners 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 petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioners 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 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)**.

SD/-
08/02/2017

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II
SIVAGANGAI

2.-DO THRO-THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3.SUB-INSPECTOR OF POLICE
SIVAGANGAI CCIW CID POLICE STATION,
SIVAGANGAI DISTRICT

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

+1. CC to M/S.V.KANNAN Advocate SR.No.7162

MAS/SKN-RSK:14.02.2017:2P/6C

ORDER
IN
CRL OP(MD) No.1326 of 2017
Date :08/02/2017