

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.12731 of 2018

C.M.GURUMURTHY

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
NAMBIYUR POLICE STATION,
ERODE DISTRICT
CR.NO.223 OF 2016.

[RESPONDENT]

For Petitioner : M/S.B.KUMARASAMY Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 409 of IPC in Crime No.223 of 2016, seeks anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant one Venkatesan, Deputy Manager, Bank of Baroda, Nambiyur Branch, Erode District, is that the petitioner had collected the deposit amounts from the customers of the Bank and failed to deposit the same into the respective accounts and thereby, misappropriated an amount of Rs.1,76,000/- belonging to the customers.

3. The learned counsel for the petitioner would submit that the petitioner was working as a collection agent of the Bank on contract basis and he has handed over the collection amount of the respective customers to the Bank Official, whereas the officials have not deposited the amounts in the respective accounts. He would submit that none of the customers have given a complaint against him whereas, the Deputy Manager alone given a false complaint. He would submit that the petitioner is an innocent person and he has been falsely implicated in this case and made as a scapegoat to safeguard the bank officials.

4. The learned Additional Public Prosecutor would submit that while the petitioner was working as a collection agent during the year 2016 had committed misappropriation to the tune of Rs.1,76,000/-

and a case has been registered on 17.02.2018.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels on either side, I am inclined to grant anticipatory bail to the petitioner.

6. 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-II, Gobichettipalayam, 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
06/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, GOBICHETTIPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE,
ERODE, [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAMBIYUR POLICE STATION,
ERODE DISTRICT

+1 CC to M/S.B.KUMARASAMY Advocate on payment of necessary
charges SR.NO. 10085

CRL OP.12731/2018

Date :06/06/2018

RD 13/06/2018