

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION NOS.28665 AND 28666 of 2017

S.RAJASEKAR [PETITIONER / ACCUSED
IN CRL.OP.NO.28665 OF 2017]

M.SATHISH KUMAR [PETITIONER / ACCUSED
IN CRL.OP.NO.28666 OF 2017]

Vs

STATE BY [RESPONDENT
INSPECTOR OF POLICE,
DISTRICT CRIME BRANCE,
TIRUVARUR, TIRUVARUR DISTRICT,
(CRIME NO.8 OF 2016)

For Petitioner : M/S.K.SUKUMARAN Advocate
[IN BOTH THE PETITIONS]

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.8 of 2016 registered by the respondent for the alleged offence punishable under Sections 420, 465, 468 and 471A of IPC.

2. The case of the prosecution as per the de-facto complainant is that the petitioners, while working as Branch Manager and Assistant Branch Manager of Lakshmi Vilas Bank, Podakudy Branch, colluded with each other, by fabricating documents and on falsification of the accounts, cheated the amount to the tune of Rs.5.75 lakhs.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that certain customers did not repay the loan amount and that the management had held them responsible and a false case has been foisted against them as if they cheated the amount. He would submit that an internal enquiry was conducted and the petitioners have been removed from the service also. He would submit that the case is pending from the year 2016. He would submit

that without prejudice to their contentions, the petitioners are prepared to deposit a sum of Rs.1,50,000/- each to the credit of Crime No.8 of 2016.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners, who are respectively the Manager and Assistant Manager, by fabricating the documents and falsification of accounts, misappropriated the funds of the Bank to the tune of Rs.5.75 lakhs.

5. Taking into consideration the facts of the case and the submissions made by the counsels that the petitioners are prepared to deposit an amount of Rs.1.5 lakhs each and that the case is also pending from the year 2016, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Thiruvavur, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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] each of the petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of Crime No.8 of 2016 before the said Court before executing the bond.

[b] The final order in respect of the said deposit shall be passed by the trial Judge at conclusion of trial.

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

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

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

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

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

-sd/-
18/07/2018

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.I, THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCE,
TIRUVARUR, TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.K.SUKUMARAN Advocate on payment of necessary
charges in SR.NOS. 13436, 13435

CRL OP.NOS.28665 AND 28666 of 2017

Date :18/07/2018

MLT-27/07/2018