

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N.SATHISH KUMAR

CRIMINAL ORIGINAL PETITION No.13971 of 2018

1 G.THAMBURAJ,
2 K.SEKAR,

[PETITIONERS / ACCUSED]

Vs

STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CCIWCID, CUDDALORE.
CR.NO.2 OF 2018.

[RESPONDENT]

For Petitioner : M/S.K.L.SEKAR Advocate

For Respondent : MRS.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable u/s.120[B], 408, 471 and 477-A IPC in Crime No.2/2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners/accused, who are the employees [Secretary and Cashier] of the Vasantharayanpalayam Town Cooperative Society, said to have taken Jewel Loan from the Central Cooperative Bank to the tune of Rs.20 lakhs and that without disbursing the same to the customers, had retained the same in the Society itself, causing loss to the Society.

3.The learned counsel for the petitioners would submit that the petitioners had remitted the said amount along with interest to the tune of Rs.20,53,260/- and that they have had not caused any loss.

4.Heard the learned Additional Public Prosecutor.

5.It appears that the petitioners, without disbursing the jewel loan amount of Rs.20 lakhs to the customers, had kept the same in the Society and thereafter, it appears that they have repaid the amount to the Society along with interest due to the Society. In view of the above, as no financial loss is caused to the Society, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioners.

5. 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 No.1, Cuddalore District on condition that each of the petitioners 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before respondent police daily at 6.30 p.m for a period of two weeks and thereafter, as and when required for interrogation.

[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]**.

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

-sd/-
30/05/2018

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, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CCIWCID, CUDDALORE.

+1 CC to M/S.K.L.SEKAR Advocate on payment of necessary charges-
Sr.9575

CRL OP.13971/2018

Date :30/05/2018

ths : 31.05.2018