



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

Tuesday, the Fourth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20783 of 2018

KA.A.SANKHARALINGAM

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI,
TIRUNELVELI DISTRICT.
CRIME NO.4 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.MURUGAN, Advocate

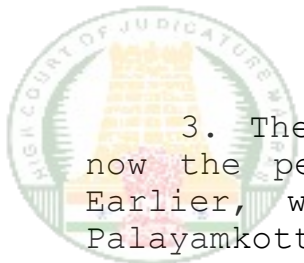
For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409 and 420 of IPC in Cr.No.4 of 2016 seeks anticipatory bail.

2.The learned counsel appearing for the petitioner would submit that the respondent has registered a case and called the Branch Manager, other officials and this petitioner for enquiry. This petitioner had appeared before the respondent and explained that he has been posted only in Palayamkottai Branch. Due to shortage of staff, he was deputed to Gangaikondan Branch. On 22.08.2011 he was working in Palayamkottai Branch and on 21.09.2011 he worked in the Gangaikondan Branch. The petitioner was working as Clerk at cash counter and the cheques received by him as per the manual of instructions. His duty is to see whether the cheques have been signed on the front and on the reverse before receiving the cheques. In this case, the cheque was signed on both sides and the cheque was also verified by the Transferring officer and the signature verifying officer. Thereafter only the cheque has been passed in the normal course and this petitioner has been unnecessarily harassed by the respondent to attend the enquiry. The petitioner is a senior citizen and he was put in unblemished service in the Bank.



3. The learned Additional Public Prosecutor would submit that now the petitioner was retired from service of the Canara Bank. Earlier, when he was posted as Clerk/Assistant in Canara Bank, Palayamkottai Branch, he was deputed to Gangaikondan Branch, whenever there was a shortage of persons. The complaint is that one M.Subramanian was maintained SB Account No.1132101012217 at Canara Bank, Gangaikondan Branch and two withdrawals of Rs.50,000/- each on 22.08.2011 and 21.09.2011. He is disputing the withdrawal from his account and hence, he lodged a complaint on 03.02.2016 against the Branch Officials.

4. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioner.

5. 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 No.I, Tirunelveli 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 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 as and when required for interrogation

[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/-

04/12/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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

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

+1. CC to Mr.R.MURUGAN Advocate SR.No.22645

ORDER

IN

CRL OP (MD) No.20783 of 2018

Date :04/12/2018

MS/PN/SAR-1/07.12.2018/3P.6C