



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

Tuesday, the Twenty Ninth day of January Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21427 of 2018

BASKAR

... PETITIONER /1st ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION,
TRICHY CITY.
IN CRIME NO.1903 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.LENIN KUMAR, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

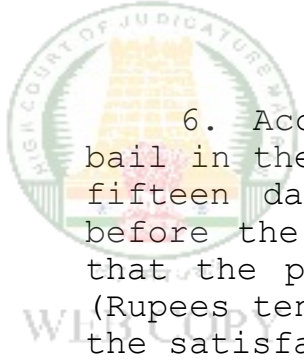
The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 506(i) of I.P.C., in Crime No.1903 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was working as a casual Labour in the Subramanipuram Co-operative Bank, Trichy, and he was looking after computer works and he had misappropriated the amount of Rs.16,00,000/- to the account of of the petitioner/Selvarani/A2, and one Vigneswaran/A3. After knowing the misappropriation of fund, the Manager of the said Bank lodged a complaint. Hence a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner the petitioner agreed to collect Rs.9,00,000/- from Selvarani and Vigneswaran and the same has been handed over the Bank on 19.12.2018 and the City Crime Branch also returned the security documents to the petitioner after cleared his undertaking. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner had cleared his liability.

5.Taking into consideration the facts of the case and the submissions by learned counsels, this Court is 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 No.II, Trichy, 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] the petitioner shall appear before the respondent police as and when required for interrogation.

[b] The Concerned Magistrate is directed to handover the money, which is deposited by the petitioner to the defacto complainant on filing necessary petition before the Court.

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

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

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

[f] 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 herself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-

29/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION, TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.T.LENIN KUMAR Advocate SR.No.1670

ORDER IN

CRL OP(MD) No.21427 of 2018

Date :29/01/2019