



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

Wednesday, the Thirteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2201 of 2019

NIRMALA

... PETITIONER / SOLE ACCUSED

Vs

THE SUB INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
(CRIME.NO.29 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.MARIMUTHU for Mr.K.APPADURAI Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI, Govt. Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 420 of IPC, in Cr.No.29 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the petitioner was working as a Post Master in the postal department, she misappropriated a sum of Rs.54,010/- and she has to pay a sum of Rs.90,485/- including the regular interest of Rs.28,368/- and penal interest of Rs.8,107/-. Hence, the Postal Inspector, Postal Department has lodged the present complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution. The petitioner is retired from the service, thereafter the disciplinary proceedings was initiated against her and withhold all the retirement benefits to her. However, on instructions, he would submit that she is ready to deposit a sum of Rs.55,000/- into the crime number.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that since the petitioner agreed to deposit the amount into the crime number, he has no objection to entertain this



petition.

5. Considering the facts and circumstances of this case and since the petitioner is agreed to deposit the amount of Rs.55,000/-, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kodaikanal, 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 learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of Rs.55,000/- into the crime number before the concerned Judicial Magistrate Court before the execution of sureties and the learned Judicial Magistrate shall disburse the same to the defacto complainant postal department;

(c) the petitioner shall report before the respondent police daily as and when required for interrogation;

(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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

13/02/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
KODAIKANAL.

2 THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE SUB INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to Mr.K.APPADURAI Advocate SR.No.3037

PS/VR/SAR-4/19.02.2019/3P-6C

ORDER

IN

CRL OP(MD) No.2201 of 2019

Date :13/02/2019