



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

Wednesday, the Twentieth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4150 of 2019

R.RAJESWARAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM.
(CRIME.NO.15/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr. T. THIRUMURUGAN 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 apprehends arrest at the hands of the respondent police for the alleged offences under Sections 403, 409, 420, 464, 465, 470, 477A and 120 (b) of IPC, in Cr.No.15 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 26.09.2018, on audit verification, it was found that the Branch Manager and other staffs were committed false and wrong entries in the system, as if they have provided loans to the customers and misappropriated the company amount of Rs.24,74,000/-. The entire branch persons have been made as the accused. Out of which, the first accused is the Bank Manager, the second accused is the joint custodian and the accused 3,4 and 5 are the staffs of Muthoot Fincorp Limited, Sayalkudi. The employees of the branch have conspired together and had created a false account and had misappropriated and cheated the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He further submits that the petitioner is working as collection agent of the said branch and he has no right to take the jewels from the locker and said right only vested with the accused No.1 who is the Branch Manager of the said Branch. However, the co-accused/A4 in this case has been granted



anticipatory bail by this Court by order dated 10.01.2019, in CrI.O.P.(MD).No.22493 of 2018 and A1 has been granted anticipatory bail by this Court in CrI.O.P.(MD).No.3381 of 2019, on 05.03.2019. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate (CrI.Side) appearing for the State would concede that the co-accused in this case have been granted anticipatory bail by this Court and as per the earlier instructions, a sum of Rs.,7,38,000/- were recovered from the accused persons.

5.Considering the facts and circumstances of the case and since co-accused in this case have been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, 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, Ramanathapuram, 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 report before the respondent police daily at 10.30 a.m. for a period of two weeks thereafter 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]**; and;

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

sd/-

20/03/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
RAMANATHAPURAM.

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

+1. CC to MR. T. THIRUMURUGAN Advocate SR.No.5203

PS/PN/SAR-3/25.03.2019/3P/6C

ORDER

IN

CRL OP(MD) No.4150 of 2019

Date :20/03/2019