



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

Date : 11/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9702 of 2019

S.Jeyalakshmi

... Petitioner/sole Accused

Vs

State rep.by
The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.
(Crime No. 48 of 2019).

... Respondent/Complainant

For Petitioner : M/s.R.Karthic Rajan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in crime No 48/2019 on the file of the
Respondent police

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 406 and
420 IPC, in Crime No.48 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that when the petitioner was
working as Sub-Post Master at A.Thekkur , Karaikudi for the period
from 10.06.2016 to 24.11.2017, she has taken the amount from the
savings account on different dates and totally she has
misappropriated a sum of Rs.1,34,000/-.

3.The learned counsel appearing for the petitioner has
submitted that the petitioner has not committed any offence and due
to previous enmity between the petitioner and the defacto
complainant, a false complaint has been lodged against the



petitioner and based on the said complaint, the petitioner was suspended and subsequently, without prejudice to her defence she has paid the amount and hence, the suspension order was revoked and now she is working in the same department and therefore, he prayed for anticipatory bail to the petitioner.

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4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner has misappropriated the amount of Rs.1,34,000/- and she was suspended and subsequently she has paid that amount. However, he opposed this petition as the investigation is pending.

5.Taking into consideration the fact that already the petitioner has paid the alleged amount of misappropriation of Rs.1,34,000/-, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Tirupattur, Sivagangai District, on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) since the petitioner is Government Servant, she shall report before the respondent police daily at 10.30 a.m for a period of one week and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].



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

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

TO

1.THE JUDICIAL MAGISTRATE
TIRUPATTUR, SIVAGANGAI DISTRICT

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3.THE INSPECTOR OF POLICE,
NERKUPPAI POLICE STATION,
SIVAGANGAI DISTRICT

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

+1. CC to M/S.R.KARTHIC RAJAN Advocate SR.No.11621

ORDER
IN
CRL OP(MD) No.9702 of 2019
Date :11/07/2019

DSS
PK/JC/SAR-1/19.07.2019 : 3P/6C