



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

Thursday, the Tenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22493 of 2018

R.ARAVIND RAJ,

... PETITIONER / ACCUSED NO.4

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMNATHAPURAM DISTRICT.
(CRIME NO.15 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.THIRUMURUGAN Advocate

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

For Intervener : MR.P.PETHURAJESH, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who arrayed as the fourth accused and apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 403, 409, 420, 464, 465, 470, 477A and 120(b) IPC in Crime No.15 of 2018 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.

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3.The learned counsel for the petitioner would submit that the



petitioner is only a collection agent and he has nothing to do with the loan transaction happening inside the office. Admittedly, according to the defacto complainant, the petitioner had acted as cashier on only one occasion. He is not a regular cashier to the bank and he has not aware of this offence. In fact the petitioner on 16.11.2018 and 19.11.2018 had paid a sum of Rs.50,000/- each to the tune of Rs.1,00,000/- on the compulsion of the management. Further, he would contend that as per the First Information Report itself, the first accused / branch manager had admitted that the entire amount has been taken by him and he had repaid a sum of Rs.4,00,000/- and sought some more time.

4.The learned counsel for the intervenor submitted that in the said branch there were five employees and they have conspired together and had misappropriated and cheated the amount of the employer.

5.The learned Government Advocate (Crl.Side) for the respondent police submits that enquiry was conducted and during the enquiry, the accused have admitted the offence and the first accused has repaid a sum of Rs.4,00,000/- and he sought some more time. The second accused paid a sum of Rs.1,00,000/- and the third accused paid a sum of Rs.24,000/- and the fourth accused paid a sum of Rs.1,00,000/- and the fifth accused paid a sum of Rs.35,000/- and so far, totally, a sum of Rs.7,38,000/- has been recovered.

6.Taking into consideration the facts of the case and the submissions made by learned counsel, this Court is inclined to grant anticipatory bail to the petitioner.

7.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, Ramanathapuram, on condition that the petitioners 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 said Magistrate, on further condition that:

[a] if the petitioner fails 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 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.

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[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/-
10/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMNATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.T.THIRUMURUGAN Advocate SR.No.645
+1. CC to MR.P.PETHURAJESH, Advocate SR.No.658

ORDER
IN
CRL OP(MD) No.22493 of 2018
Date :10/01/2019

AE/PN/SAR1/21.01.2019/3P/7C