

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5528 of 2020

SARASWATHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUVARUR DISTRICT.
CRIME NO. 1/2020

For Petitioner : M/S. GANESH RAJAN Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

- 1.The Petitioner herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 408, 409, 471, 465, 420 and 120B of IPC, in Cr.No.1 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.
- 2.The facts of the case of the Prosecution are that the Petitioner/A1, who was working as a Clerk and A2, who was working as a Junior Assistant in the Mannargudi Municipality, by fabrication of documents had cheated and swindled the money belonging to the Municipality to the tune of Rs.11,46,500/- and when it was found by the defacto complainant, Commissioner in charge of the Mannargudi Municipality, the Petitioner had settled the amount and thereafter, absconded. Hence, the Petitioner has been implicated as an accused in the case on hand.
- 3.This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.
- 4.According to the Petitioner, the Petitioner is innocent and he has been falsely implicated in the case on hand. Even as per the complaint, amounts were stated to have been settled by the Petitioner to the Municipality. The Petitioner would abide by any conditions to be imposed by this Court for enlarging the Petitioner on anticipatory bail.

5. On the other hand, the learned Government Advocate for the Respondent, while vehemently opposing to grant anticipatory bail, would submit that the Petitioner, by fabrication of documents and by forgery, committed the offence of criminal breach of trust and swindled the amount of the Municipality to the tune of Rs.11,46,500/-, however, when it was found, she had settled the entire amount and thereafter, absconded. In such circumstances, anticipatory bail cannot be granted to the Petitioner.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioner, however, on stringent conditions. Accordingly, the Petitioner is hereby ordered to be released on anticipatory bail, in the event of her arrest or on her appearance before the Judicial Magistrate I, Mannargudi, within 15 days from the date of receipt of a copy of this order and further on the Petitioner complying with the following conditions, without fail:-

- i. If the Petitioner fails to surrender before the Judicial Magistrate I, Mannargudi, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.
- ii. 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 Judicial Magistrate I, Mannargudi. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.
- iii. The Petitioner shall report before the Respondent Police, daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required, until further orders.
- iv. The Petitioner shall not abscond either during the investigation or the trial. The Petitioner shall not tamper with evidence or witness, either during the investigation or the trial.
- v. On breach of any of the aforesaid conditions, the concerned 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 is released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in 2005 AIR SCW 5560 (P.K.Shaji Vs. State of Kerala).

vi.If the Petitioner, thereafter, absconds, a fresh First Information Report shall be registered, under Section 229A of IPC.

-sd/-

10/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, MANNARGUDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUVARUR DISTRICT.

CC to M/S. GANESH RAJAN Advocate on payment of necessary charges SR.NO.4780

CRL OP.5528/2020

Date :10/03/2020

RVR 13/03/2020

WEB COPY