

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.Nos.13162 of 2020

Satyanarayanan

... Petitioner

Vs.

State represented by
The Inspector of Police,
Bramadesam Police Station,
Villupuram District.
(Crime No.995/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.995/2020 pending on the file of the respondent police.

For Petitioner : Mr. P.Tamilvel

For Respondent : Mr. M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 465, 468, 471 and 409 IPC in Cr. No.995 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that while the petitioner was working as Branch Manager at Ulagapuram Post Office during the year 2015, the petitioner had misappropriated the amount of Rs.1,17,000/- deposited by the customers under "Selvagamagal Saving Scheme". Hence the complaint.

3. Learned counsel for the petitioner would submit that the petitioner was working as Branch Manager at Ulagapuram Post Office and he had not committed any defraud or misappropriation of funds as alleged in the complaint. He further submitted that due to previous enmity the petitioner has been falsely implicated in this case and the petitioner has also repaid the said amount, however, he has been suspended from his duty and facing enquiry. Hence, he seeks anticipatory bail.

4. Learned Additional Public Prosecutor would submit that the petitioner has misappropriated the amount of Rs.1,17,000/- deposited by the customers in "Selvagamagal Saving Scheme". He further

submitted that the petitioner has redeposited the said amount. He further submitted that there are no previous case against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the above facts and the fact that there are no previous cases against the petitioner this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] 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 after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.2, Tindivanam, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Monday at 10.30 a.m. until further orders.

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

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
28/08/2020

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.II, TINDIVANAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
BRAMADESAM POLICE STATION,
VILLUPURAM DISTRICT.

CC to M/S.P.TAMILAVEL Advocate on payment of necessary charges

CRL OP.13162/2020

Date :28/08/2020

RVR 22/09/2020

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