



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2020

CORAM:

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

CRL OP(MD) .No.6398 of 2020

R.Rajthilak,

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Kadayanallur Police Station,
Tirunelveli District.
(Crime No. 270/2020).

... Respondent/Complainant

For Petitioner : M/s.A.Kannan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

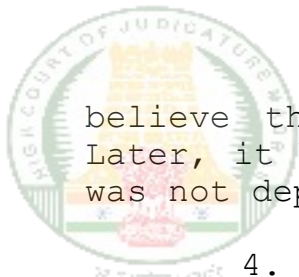
For Anticipatory Bail in Crime No. 270 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under Sections 468,
409 and 477A of IPC., in Crime No.270 of 2020, on the file of the
respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner along
with other accused have collected a sum of Rs.48,00,000/- through
various cheques promising to deposit in the Bank and they have also
issued fake deposit receipts to the defacto complainant to make him



believe that the money has been deposited in the Bank account. Later, it has been found by the defacto complainant that the amount was not deposited in the Bank account. Hence, the complaint.

4. The learned counsel appearing for the petitioner would submit that the petitioner has been arrayed as A2 in this case. The petitioner was working as personal banker and worked under A1, who happens to be the Manager of HDFC Bank, Kadayanallur. He would further submit that petitioner introduced the customer, viz., Mr.U.S.Hajjhussain, the Correspondent of Rehmania Nursery and Primary School, whose amount, to the tune of Rs.48,00,000/- has been withdrawn by the then Bank Manager, by using the customer's cheque. He would further submit that issuance of periodical Fixed Deposit renewal happened when the petitioner was working at Tirunelveli Branch. Therefore, the petitioner has not committed any offence, as alleged by the prosecution. The learned counsel, on instructions, from the petitioner would submit that the petitioner is ready and willing to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) without prejudice to his rights and contentions, before the concerned Bank.

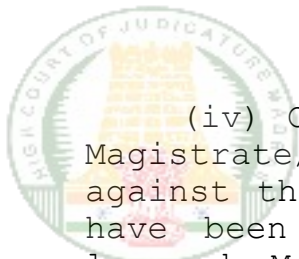
5. The learned Government Advocate (crl.side) appearing for the State, on instructions, would submit that the that the petitioner along with other accused have collected a sum of Rs.48,00,000/- through various cheques promising to deposit in the Bank and they have also issued fake deposit receipts to the defacto complainant to make him believe that the money has been deposited in the Bank account. Later, it has been found by the defacto complainant that the amount was not deposited in the Bank account. He would further submit that investigation in this case is under progress.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Tenkasi, Tenkasi District on executing 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 learned Magistrate concerned;

(ii) The petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only), by way of Demand Draft, in favour of 'The HDFC Bank, Kadayanallur Branch, within a period of four weeks from the date of receipt of a copy of this order, without prejudice to his rights and contentions.

(iii) The petitioner shall appear before the respondent police daily at 05.00 p.m., for a period of two weeks and thereafter, as and when required, for interrogation.



(iv) 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 petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

7. The petitioners shall appear before the concerned Magistrate within a period of four weeks from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

8. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
19/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, TENKASI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6398 of 2020
Date : 19/06/2020

MPK
AE/PN/SAR-III (23.06.2020) 3P 5C