



WEB COPY

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

Date : 03/07/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.6577 of 2020

Packiyam,

... Petitioner/Accused No.3

Vs

State represented through
The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
Crime No. 38 of 2020.

... Respondent/Complainant

For Petitioner : Mr. M.Kannan,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

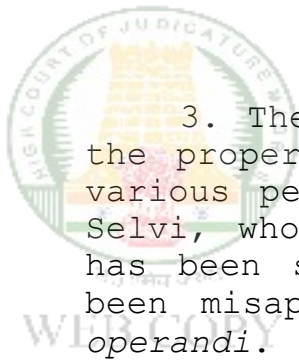
PRAYER :-

To enlarge the Petitioner on bail in the event of her arrest by the Respondent in Cr.No.38 of 2020 or on her appearance before the Court.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 409,420 and 109 of IPC seeks anticipatory bail.

2. The petitioner herein who is a retired sanitary worker in the defacto complainant school is arrayed as one of the accused in the case of misappropriation and cheating.



3. The case of the prosecution is that the rent collected for the property of the school has been diverted into the account of various persons working in the school by the lab assistant Anbu Selvi, who was in charge of collecting rent. Thereafter the money has been siphoned out from their account. Nearly Rs.85,000/- has been misappropriated by these accused persons in the said *modus operandi*.

4. The learned counsel for the petitioner would submit that only Rs.11,000/- was deposited in the petitioner's account that was in turn taken by the accused Anbu Selvi.

5. The learned Additional Public Prosecutor produced the bank statement account and submitted cheque for a sum of Rs.11,000/- meant to be deposited in the school account was deposited in the petitioner's account and later withdrawn. Therefore he strongly opposed to grant anticipatory bail to the petitioner.

6. Taking into consideration the facts and circumstances of the case and also the submission made on either side, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ramanathapuram on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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] 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.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) to the credit in Crime No.38 of 2020 on the file of the learned Judicial Magistrate No.II, Ramanathapuram on or before 17.07.2020.

[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/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]**.

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

sd/-
03/07/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

ORDER
IN
CRL OP(MD) No.6577 of 2020
Date :03/07/2020

AAV
AE/PN/SAR-II (06.07.2020) 3P 5C