



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

Date : 05/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.7783 of 2020

WEB COPY

1. Anthonyammal
2. Selvaraj

... Petitioners/Accused No.2 and 3

Vs

The State rep by
The Inspector of Police,
City Crime Branch,
Tirunelveli District.
Cr.No. 26 of 2020.

... Respondent/Complainant

For petitioners: Mr.R.Anand,
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 Cr.No. 26 of 2020 on the file of the
respondent police.

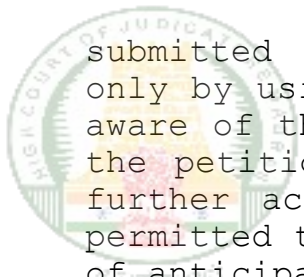
ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.2 and 3,
apprehending arrest at the hands of the respondent police for the
offences punishable under sections 409 and 477 A of IPC, in Crime
No.26 of 2020 on the file of the respondent police, seek
anticipatory bail.

2.The case of the prosecution is that the petitioners are
working as Inspector of Assessment and Assessors in TANGEDCO. In
this case, A1, who was working as Commercial Inspector, said to have
used ID and Password of the petitioners and misappropriated a sum of
Rs.33,310/- from the TANGEDCO. That apart from 16.03.2013 to
18.08.2018, using the same, A1 said to have misappropriated a sum of
Rs.15,50,012/- from the TANGEDCO. Since ID and password of the
petitioners are used by A1, they have also implicated in this crime.

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

4.The learned counsel appearing for the petitioners submitted
<https://hcservices.ecourts.gov.in/hcservices/>
that the petitioners are innocent persons and they have not
committed any offence as alleged by the prosecution. He further



submitted that the entire amount have been misappropriated by A1 only by using the petitioners' ID and Password and the same was not aware of the petitioners. Earlier based on the registration of FIR, the petitioners have been suspended by the department. Thereafter, further actions are dropped against the petitioners and they are permitted to continue in their services. Hence, he prayed for grant of anticipatory bail to the petitioners.

WEB COPY

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioners are working as Inspector of Assessment and Assessors in TANGEDCO and they are facilitated A1 by giving their ID and password to misappropriate the departmental money and the occurrence said to have taken place for more than five years and the petitioners can not plead ignorance.

6.Considering the facts and circumstances of the case and also considering the rival submission made on either side and on perusal of the materials available on records, it is seen that A1 by using ID and password of the petitioners, misappropriated departmental money for more than five years and now it is stated that accepting their explanation departmental action was dropped, considering the above circumstances, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;



(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05.08.2020

/ TRUE COPY /

WEB COPY

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

vsg

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.1, Tirunelveli.
2. -Do- Through The Chief Judicial Magistrate,
Tirunelveli.
3. The Inspector of Police,
City Crime Branch,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7783 of 2020
Date : 05/08/2020

VB (12.08.2020) 3P 5C