



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.9397 of 2020

V.Sridhar

... Petitioner/Accused

Vs

State Rep. by
The Inspector of Police,
District Crime Branch, Karur,
Karur District, Tamilnadu.
Crime No.10 of 2020.

... Respondent/Complainant

For Petitioner : Mr.P.R.Thiruneelakandan,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.10 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 409 and 420 of I.P.C. r/w Section 66-C of the Information Technology Act, 2000, in Crime No.10 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was working as Junior Assistant at Integrated Child Development Services (ICDS) Scheme at Karur. The allegation is that the petitioner in this case was incharge of making NSD deductions which is meant for the employees working in the Annamalai University and fraudulently transferred a sum of Rs.7,56,000/- (Rupees Seven Lakhs Fifty Six Thousand Only) to A2's account. Subsequently, the Treasury has also transferred the amount to A2's bank account. Hence, based on a complaint given by the District Treasury Officer at Karur, a case

<https://hcrs.cemil.gov.in/cases>



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that he is only working as Junior Assistant in ICDS and he is not aware of any money transfer to A2's account. He would further submit that he is an innocent person and he has been falsely implicated in this case. He further submitted that this Court already granted anticipatory bail to A2. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the petitioner and A2 are working in the same department and the petitioner was in charge of making NSD deductions which is meant for the employees working in the Annamalai University and the petitioner has fraudulently transferred a sum of Rs.7,56,000/- (Rupees Seven Lakhs Fifty Six Thousand Only) to A2's account and thereafter, the Treasury has also transferred the amount to A2's bank account. He further submitted that A2 has also utilised the amount for his own purpose.

6. Considering the fact that the petitioner was only working as Junior Assistant and the amount has been transferred only to A2 and on perusal of records A2 has also withdrawn the amount from his account, earlier A1 has granted anticipatory by depositing the entire amount to the Credit of Crime No.10 of 2020, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Karur, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and 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 not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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/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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/10/2020

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/ /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.I,
KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KARUR, KARUR DISTRICT,
TAMILNADU.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.R.THIRUNEELAKANDAN, Advocate (SR-7042[I] dated 15/10/2020)

ORDER
IN
CRL OP(MD) No.9397 of 2020
Date :14/10/2020

vsg
JM/JC/SAR IV/22.10.2020/3P/6C