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EFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9915 of 2020

Arulmurugan ... Petitioner/Accused No.2

Vs

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

For Petitioner : M/s.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 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-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 409 & 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 Office Assistant on deputation at Integrated Child Development Services (ICDS) Scheme at Karur. The allegation is that A-1 in this case was working in the same department 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 the petitioner's account. Subsequently, the Treasury has also transferred the amount to the petitioner's bank account. Hence, based on a complaint given by the District Treasury Officer at Karur, a case has been registered.

https://hcservices.ecourts.gov.in/hcservices/

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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 Office Assistant in ICDS and he is not aware of any money transfer made in his account. After knowing the fact, the petitioner has voluntarily given a letter to the Bank and asked details of money transfer made in his account and then only the fact was known to the petitioner. He would further submit that he is falsely implicated in this case and he is ready and willing to deposit the aforesaid amount. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that A-1 and this petitioner are working in the same department and A-1 was incharge of making NSD deductions which is meant for the employees working in the Annamalai University and A-1 has fraudulently transferred a sum of Rs.7,56,000/-(Rupees Seven Lakhs Fifty Six Thousand Only) to the petitioner's account and thereafter, the Treasury has also transferred the amount to the petitioner's bank account. He further submitted that the petitioner has also utilised the amount for his own purpose.

6.Considering the fact that the petitioner was only working as Office Assistant and the amount has been transferred only by A-1 in the petitioner's account and on perusal of records the petitioner has also withdrawn the amount from his account. However, now, the petitioner come forward to deposit the entire amount, 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 on his appearance before the learned Judicial Magistrate No.I, Karur, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum 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 is directed to deposit a sum of Rs.7,56,000/- (Rupees Seven Lakhs Fifty Six Thousand Only) to the credit of Crime No.10 of 2020 before the learned Judicial Magistrate No.I, Karur, on or before ***30.09.2020***, without prejudice to his rights and contention before the trial Court.

(c)the petitioner shall report before the respondent police as and when required for interrogation.

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(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]; and;

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

sd/-
17/09/2020

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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 DISTRICT.

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

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

+1 CC to M/s.P.R.THIRUNEELAKANDAN, Advocate (SR-6499[I] dated 18/09/2020)

ORDER
IN
CRL OP(MD) No.9915 of 2020
Date :17/09/2020

KSA
TE/AKM/SAR-II : 24/09/2020 : 3P/6C

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