



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

Date : 08/12/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD) . No.14068 of 2020

Karuppasamy

... Petitioner/Accused No.1

Vs

The State Rep.by,
The Inspector of Police,
City Crime Branch (CCB),
Tirunelveli City.
(Crime No.26/2020).

... Respondent/Complainant

For Petitioner : M/s.I.Pinaygash,
Advocate.

For Respondent : No Appearance,
Government Advocate (Crl.Side)

: M/s.R.Muthulakshmi
Inspector of Police, (CCB)
Tirunelveli, appeared in Court.

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

PRAYER :-

For Anticipatory Bail in Crime No. 26/2020 on the file of respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner.

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 409 and 477(A) of I.P.C., in Crime No.26 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The petition for anticipatory bail is filed mainly on the ground that the petitioner was working as a Commercial Inspector in Tamil Nadu Electricity Board and he was no way connected with the misappropriation of the funds of the Electricity Board.



4.The learned counsel appearing for the petitioner contended that the petitioner is an innocent person and he has not involved in any such misappropriation.

5.The Inspector of Police viz., M/s.Muthulakshmi, (CCB), Tirunelveli City, appeared in person and presented the case.

6.The Inspector of Police informed that the investigations are in progress and during the course of investigation, they could able to collect some informations that A1 is responsible for the misappropriation in a large scale. The Inspector of Police further brought to the notice of this Court that the petitioner is possessing many valuable properties in the name of his relatives and other persons and the Tamil Nadu Electricity Board is duty bound to conduct an enquiry with reference to the disproportionate assets if any acquired in accordance with the particulars given in the Service Records. All these aspects have to be investigated.

7.The petitioner is a public employee. Thus, appropriate actions are to be initiated both under the departmental Rules as well as under the Criminal Law. Now, the case is registered and the investigations are in progress. The approximate financial loss caused to the Electricity Board as per the prosecution is about Rs.20 lakhs.

8.Under these circumstances, the petitioner is directed to deposit a sum of Rs.4,00,000/-(Rupees Four Lakhs only) before the learned Judicial Magistrate No.I, Tirunelveli District, in the credit of Crime No.26 of 2020, within ten(10) days. However, the deposit is subject to the financial outcome of the criminal case. On such deposit being made, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tirunelveli District, 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 every day morning at 10.00 a.m., and evening at 06.00 p.m., for a period of four weeks and thereafter, morning at 10.00 a.m., for a period of another four weeks and therefrom, 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/ 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;

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

sd/-
08/12/2020

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
CITY CRIME BRANCH (CCB), TIRUNELVELI CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14068 of 2020
Date :08/12/2020

NS
PK/JC/SAR-IV/11.12.2020 : 3P/5C