



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.2875 of 2021

Malarkodi

... Petitioner

Vs.

State rep by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No.10 of 2020)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest in Crime No.10 of 2020 pending investigation on the file of the Inspector of Police, District Crime Branch, Namakkal Police Station, Namakkal District.

For Petitioner : Mr.C.D.Johnson

For Respondent : Mr.C.E.Pratap
Government Advocate (Cr1. Side)

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 408 and 420 of I.P.C. in Cr.No.10 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as Regional Manager in Bellstar Investment and Finances Private Limited and the said financial establishment used to give loan for all the self-help group, particularly to help women of poor and deprived society. It is alleged that the petitioner, while administering the works of 44 self-help groups has misappropriated a sum of Rs.8,22,000/-.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and that she has been falsely implicated in the case. He further submitted that the defacto complainant lodged private complaint before the learned Judicial Magistrate, Thiruchengode and on the reference made by the learned Judicial Magistrate, Thiruchengode, the case came to be registered.



4.The learned counsel appearing for the petitioner, on instructions, further submitted that the petitioner, without prejudice to her rights, is ready to deposit a sum of Rs.2 Lakhs to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an appropriate affidavit of undertaking shall be obtained from the defacto complainant. The learned counsel also prayed that the petitioner may be permitted to deposit the amount of Rs.2 Lakhs before the learned Judicial Magistrate, Namakkal.

5.Heard the submissions made by the learned Government Advocate (Criminal Side).

6.Considering the facts and circumstances of the case, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Namakkal (on consideration of the request made by the learned counsel appearing for the petitioner), 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Cr.No.10 of 2020 before the learned Judicial Magistrate, Namakkal (on consideration of the request made by the learned counsel appearing for the petitioner). On such deposit being made, the learned Judicial Magistrate, Namakkal, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.2,00,000/-(Two Lakhs) deposited by the petitioner will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

-sd/-
17/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.D.JOHNSON Advocate on payment of necessary charges

CRL OP.2875/2021

Date :17/06/2021

MK:23/07/2021