

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.Nos.3406 & 3256 of 2021

Indhumathi @ Meena
D/o.Nagalingam

... Petitioner in Crl.O.P.No.3406/ 2021

M.Bharathiraja
S/o.Mani

... Petitioner in Crl.O.P.No.3256/ 2021

Vs.

State Rep. By
The Inspector of Police,
District Crime Branch,
Villupuram District.

... Respondent in both Crl.O.Ps

(Crime No.6 of 2021)

COMMON PRAYER: Criminal Original petitions have been filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.6 of 2021, on the file of the respondent.

WEB COPY

For Petitioner in Crl.O.P.No.3406/2021 : Mr.R.Sankarasubbu
For Petitioner in Crl.O.P.No.3256/2021 : Mr.T.Saikrishnan
For Respondent in both Crl.O.Ps : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

COMMON ORDER

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 408 and 420 of IPC in Crime No.6 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with co-accused had illegally used the user-ID and password of the officials of the Sub-Registrar Office, Vanur, and had cancelled the receipts of the amounts already paid and had used the receipts in the subsequent documents and thereby, caused loss to the Government to the tune of Rs.19,93,830/-. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that a false case has been foisted against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that there are totally three accused in this case. The petitioners along with co-accused had illegally used the password of the SRO, Vanur and had misappropriated the amount to the tune of Rs.19,93,000/-. He further submitted that the entire cheated amount has been repaid. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and also of the fact that the entire misappropriated amount has been repaid by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif Cum Judicial Magistrate, Vanur, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 daily at 10.30 a.m., for a period of one month and thereafter 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]**.

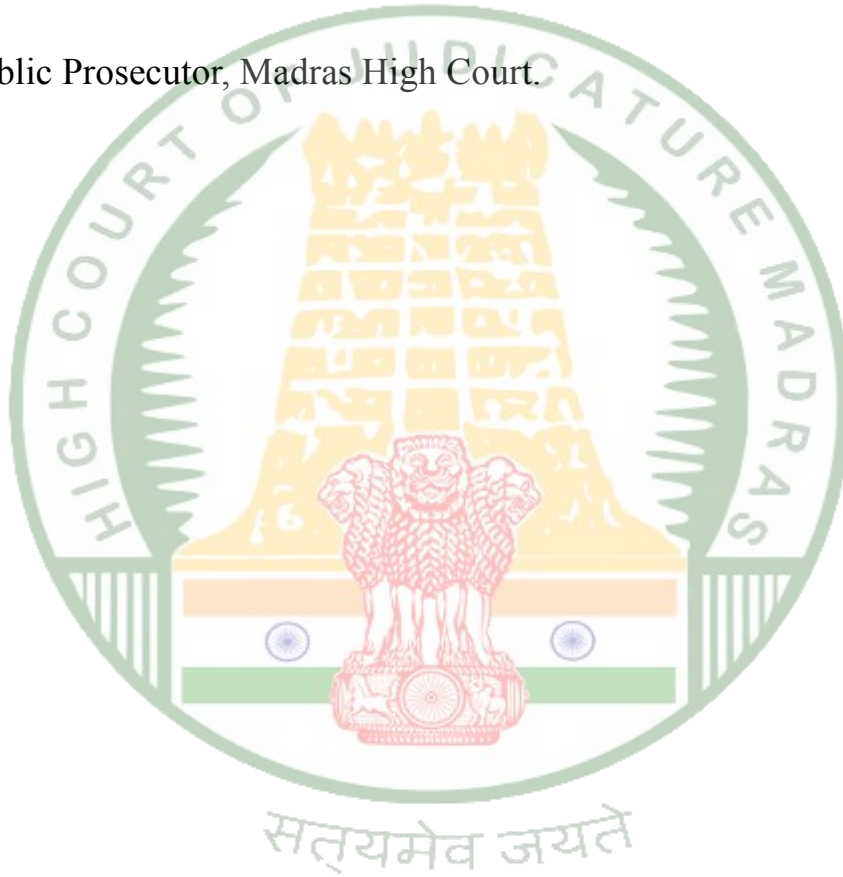
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Index : Yes/No
mpa

12.05.2021

To

- 1.The District Munsif Cum Judicial Magistrate, Vanur,
2. The The Inspector of Police,
District Crime Branch,
Villupuram District.
- 3.The Public Prosecutor, Madras High Court.



WEB COPY

Crl.O.P.Nos.3406 & 3256 of 2021

S.KANNAMMAL.J,
mpa



Crl.O.P.Nos.3406 & 3256 of 2021

WEB COPY

12.05.2021