

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.8973 of 2021

Suriyavasan

... Petitioner

Vs.

State by Inspector of Police,
District Crime Branch,
Tiruvarur, Tiruvarur District.
(Crime No.3 of 2021)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Crime No.3 of 2021 on the file of the respondent.

For Petitioner : Mr.Samy

For Mr.V.Selvaraj

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 409, 420, 465, 468, 471, 477-A IPC, in Crime No.3 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was working as an Cashier of Indian Bank, Perugavazhnthan Branch, and he illegally handled a sum of Rs.48 Lakhs, thereby, the Bank Officials has given a complaint before the law enforcing agency.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that out Rs.48 Lakhs, a sum of Rs.5,00,000/- has already been paid and remaining sum of Rs.43,00,000/- has to be repaid by the petitioner. Further, the petitioner is having account in the very same branch bearing A/c.No.6744422616 and a sum of Rs.47,72,746.94/- is lying

in the said account. The petitioner undertakes to repay a sum of Rs.43 Lakhs from his account for the balance payable amount and the defacto complainant shall adjust the same on due intimation to the petitioner.

4.Heard the submissions made by the learned Government Advocate (Crl.Side).

5.Considering the fact that the petitioner has already deposited a sum of Rs.5,00,000/- and the remaining amount payable is Rs.43 Lakhs, the defacto complainant is directed to adjust the amount of 43 Lakhs from the petitioner account on due intimation, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruvarur, 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 repay a sum of Rs.43 Lakhs from his account bearing A/c.No.6744422616 by crediting the said amount to the bank towards the balance payable amount as undertaken by him and the defacto complainant shall adjust the same on due intimation to the petitioner and the learned Judicial Magistrate, Tiruvarur, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount paid by the petitioner will be returned 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;also given an undertaking that

(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 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]; and;

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

-sd/-
15/06/2021

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,
TIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION].

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.SELVARAJ Advocate on payment of necessary charges
SR.NO. 6499

WEB COPY

CRL OP.8973/2021

Date :15/06/2021

MN-01/07/2021