

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9295 of 2021

R.Semalar

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Thirunallar Police Station,
Karaikal District,
Pondicherry.

(Crime No.21 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.21 of 2021 on the file of the respondent police.

For Petitioner: Mr. P.Muthamizhselvakumar

For Respondent: Mr.Bharatha Chakravarthy
Government Advocate (Crl side)
Pondicherry.

O R D E R

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 409 of
IPC in Crime No. 21 of 2021, seeks anticipatory bail.

2.The case of the prosecution that the petitioner who is the
Post Master at Surakudi, Karaikal has misappropriated the amount to
the tune of Rs.91,550/- from various depositors during her service
in the postal department. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit
that the petitioner is an innocent person and she did not involve in
any misappropriation as alleged by the prosecution. Further he
submitted that she has been falsely implicated in this case. Hence,
he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side), Pondicherry
appearing for the respondent submitted that the petitioner
misappropriated the amount from the savings of various customers and

depositors in the post office during her service. Hence, vehemently opposed to grant Anticipatory Bail to the petitioner, but admits that she is under suspension and the amount has also been repaid by the petitioner.

5. Considering the above facts and circumstances of the case and the fact that the petitioner is a Central Government servant and is residing at Nagapattinam District within 20 Kms from Karikal, there is no possibility of absconding and also the misappropriated amount was repaid by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned Judicial Magistrate No.II, Karaikal, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

27/05/2021

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,
NO.II, KARAIKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
THIRUNALLAR POLICE STATION,
KARAIKAL DISTRICT, PONDICHERY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges

CRL OP.9295/2021

Date :27/05/2021

RVR 05/07/2021

WEB COPY