



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20166 of 2020

SATHIYA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DCB ARIYALUR,
ARIYALUR DISTRICT.
CRIME NO.7/2020.

[RESPONDENT]

For Petitioner : M/S.T.MURUGANANTHAM Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehend at the hands of the respondent police for the alleged offence under Sections 420, 409 and 477A of IPC in Crime No.7 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner is the sole accused in this case. The defacto complainant is the Postal Inspector. According to him, when the petitioner was working as Branch Post Master from the period 19.12.2012 to 02.12.2018 at Therkupatti Post Office, she received the deposits and premium amounts from the public, however, she did not deposit the money in their accounts. In order to deposit the amount in account, she misappropriated the entire amount and thereby cheated. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner remitted the entire amount and that she is an innocent person and a false case has been foisted against her. Hence he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the entire amount has been recovered and repaid to the Post Office and further stated that there is no previous case pending against the petitioner.

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5. Taking into consideration the facts and circumstances of the case and also the fact that the entire amount has been repaid to the Post Office, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate I, Jayamkondam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- each (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 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/04/2021

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

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
NO.I, JAYAKONDAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DCB ARIYALUR,
ARIYALUR DISTRICT.

+1 CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary
charges SR.NO.4903

CRL OP.20166/2020

Date :16/04/2021

TA-22/04/2021