



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/02/2021

WEB COPY

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP (MD). No.361 of 2021

L.Prakash Infant Fancy

... Petitioner/Accused No.2

Vs

The State of Tamil Nadu
Rep. by The Inspector of Police,
Keeraithurai,
Madurai District
Crime No. 1269/2020

... Respondent/Prosecutor

For Petitioner : M/s.Amala.A, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

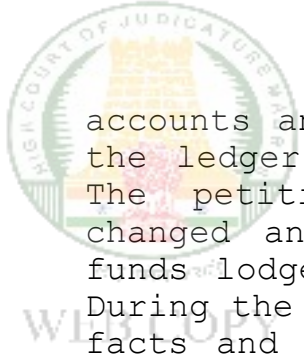
PRAYER :- For Anticipatory Bail in Crime No. 1269/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408 and 477A of IPC, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the Chairman of St.Mary's Benefit Fund, which is registered under the Companies Act, who had lodged a complaint stating that A-1/Ediyal was working as attender in the said Fund and the petitioner/A-2 had joined in the Fund on 16.05.2019 and both of them had joined together and misappropriated the savings account, reckoning deposit account and loan account and totally they have swindled the society money to the tune of Rs.11,52,711/-. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner on completion of her B.Com immediately joined in the said Fund to maintain ledgers. Though she was designated as cashier, the cash component was handled by the other accused, who had put in 19 years of service and experienced person. He further submitted that the other accused along with erstwhile Director used to handle the



accounts and what was instructed to the petitioner was recorded in the ledger book and she had never handled any cash or the Funds. The petitioner was enquired and thereafter, the directorship changed and the new office bearers while verifying the accounts funds lodged a complaint against the petitioner and other accused. During the internal enquiry, the petitioner had disclosed the entire facts and it was found that the petitioner entire tenure was only for a period five months from May 2019 to December 2019. During this five months, she had only maintained the register and never involved in cash transactions.

4.The learned Government Advocate (Criminal side) appearing for the respondent would submit that in this case, the petitioner along with A-1 had swindled the public money to the tune of Rs.15,00,000/- and A-1 and A-2 were enquired by the Directors of the said Fund in presence of the officials, they have admitted about the misappropriation. He would further submit that the first accused had purchased a plot out of the misappropriated amount and the parents of the first petitioner had agreed to repay the misappropriated amount. He further submitted that this petitioner had admitted that she had taken a share amount and she utilised the same and redeemed the jewels and repayment of loan, which was taken for a sister's marriage.

5.On submissions and perusal of the CD, it is seen that the petitioner had joined in the Fund on 16.05.2019, she served for the period of five months upto December 2019 and she had only maintain the ledger with regard to the documents involving the members of the Fund, the same had been handled by the other accused not by this petitioner. Therefore, the de-facto complainant lodged complaint to the Commissioner of Police, which was referred to the Inspector of Police, B-4 Keeraithurai Crime Police Station and notice was also issued to the petitioner and after conducting enquiry and the same is still pending. In the meanwhile, the de-facto complainant had filed a petition under Section 156(3) of Cr.P.C., before the learned Judicial Magistrate No.IV, Madurai in CRMP.No.2967 of 2020 dated 11.12.2020.

6.Considering the same, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai, Madurai District, 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 to 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 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 daily at 10.30 a.m., for a period of three 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/-

11/02/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.VI, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KEERAITHURAI, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+ 1 CC TO M/s.A.AMALA, ADVOCATE IN SR No. 4817

ORDER IN
CRL OP(MD) No.361 of 2021
Date :11/02/2021