



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.3490 of 2021

V.Paramarasu

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Thanjavur,
Thanjavur District.
Crime No.21/2020.

... Respondent/Complainant

For Petitioner : Mr.N.Tamilmani,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

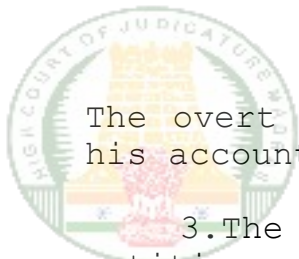
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime no. 21 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 465, 466, 467, 468, 471, 477A and 420 IPC in Crime No.21 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had joined with the other accused namely A1/court staff to facilitate him in siphoning out the MCOP money. In this case, the defacto complainant is the III Additional District Judge, Pattukottai. He had directed the Court staff namely Chitra to conduct investigation for the period from 26.12.2018 to 25.10.2019. During investigation, it was found that a huge sum of money intended for the victim in the motor accident claims tribunal was siphoned off by A1 who was working as Sheristhar. Hence the First Information Report came to be lodged on 24.11.2020. In this case A1, A2, A4 and A5 were arrested. In this case, other accused have been granted anticipatory bail.



The overt act against the petitioner is that one transaction from his account has been made on 28.12.2020 and later withdrawn.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person. The petitioner's neighbour shanthi and wife of A2 were employed in BSNL and they are known to each other. During December 2018 the said Shanthi suddenly fell in ill and she was admitted in hospital by the petitioner. At that time the said Shanthi needed money to meet out the medical expenses. The said Shanthi had called upon A2 and stated that she needed financial assistance. Since they being colleagues of A2 informed that she would make arrangement and sent money to her account. The said Shanthi requested A2 that since she was bedridden and the petitioner being neighbor, withdraw the amount and handed over to them. Considering the same, the amount was transferred to the petitioner's account from A1 and the money was withdrawn and handed over to said Shanthi. This is the only transaction, through which the petitioner had received the amount and nothing more.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the investigation has been completed and charge sheet filed in C.C.No.8 of 2021.

5.It is seen that the disputed amount has been withdrawn and handed over to the colleague of A2. It is further seen that there is no allegation against the petitioner herein.

6.In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, on or before 04.06.2021, before the learned Judicial Magistrate, Pattukkottai, 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 appear 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/ 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/03/2021

/ TRUE COPY /

/ /2021
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, PATTUKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.TAMILMANI, Advocate (SR-2687[I] dated 30/03/2021)

ORDER IN
CRL OP(MD) No.3490 of 2021
Date :29/03/2021

GNS

<https://www.cse.courtsofmadras.org/3P.6C>