



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.4861 of 2021

Kaliyugathu Meyyan Perumal

... Petitioner/Accused Rank No.1

Vs

1.The Deputy Superintendent Of Police,
District Crime Branch,
Tirunelveli District,
Tirunelveli.

2.The State rep.by
The Inspector of Police,
District Crime Branch,
Tirunelveli.

Crime No.18 of 2017.

... Respondents/Complainants

For Petitioner : Mr.R.J.Karthick,
Advocate.

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

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

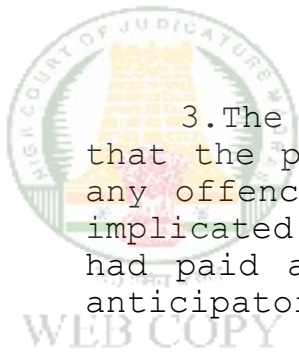
PRAYER :-

For Anticipatory Bail in Crime No.18 of 2017 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,
418 and 477(A) IPC in Crime No.18 of 2017 on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a Post
Man. On 04.07.2017 an inspection was conducted by the Inspector
Postal along with his overseas. As a result, it reveals that the
petitioner misappropriated a sum of Rs.18,13,830/- from the post
office. Hence, the present complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner had paid a sum of Rs.18,17,000/-. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioner misappropriated huge amount which was deposited in the post office and hence, he opposed to grant anticipatory bail to the petitioner.

5.It is seen that the petitioner is Post Man in a rural post office. When the authorities conducted inspection, it was found that Rs.18,13,830/- was misappropriated, which was deposited in the post office. It is further seen that Rs.18,17,000/- has been repaid by the petitioner.

6.In view of the above, 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, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tirunelveli, 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 petitioners 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

<https://hccivildocket.in/Pin/Kse6/1hes> *Govindarajan P. In/ Kse6/1hes* 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/-
30/03/2021

WEB COPY

/ 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 No.I, TIRUNELVELI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT, TIRUNELVELI.

4.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI.

5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.J.KARTHICK Advocate SR.No.2741

ORDER
IN
CRL OP(MD) No.4861 of 2021
Date :30/03/2021

GNS
TK/JC/SAR.1/08.04.2021/3P/7C