



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

Date : 26/08/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.11868 of 2021

WEB COPY

Santhoshkumar

... Petitioner/sole Accused

Vs

State Rep. by
The Inspector of Police,
CCIW - CID, Trichy,
Trichy District.
(Crime No.5 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Pitchai Muthu
Advocate.

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail Crime No.5 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 408, 465, 468, 471, 477A & 120 (b) of IPC, in Crime No.5 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while the petitioner was working as a Cashier (In charge) at Y.M.100 Musiri Urban Co-operative Bank, he and the 2nd accused (General Manager) had jointly misappropriated a sum of Rs.15,50,000/- by making false entries in the customers saving bank accounts. Thereby, they have committed fraud and caused huge monetary loss to the bank. Hence, the present complaint.

3.The learned counsel for the petitioner submits during the enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, the petitioner without prejudice to his defence has paid the alleged amount of misappropriation along with interest and other costs.

4.The learned Government Advocate (Crl. Side) also confirmed the above submission.
<https://hcr.resa.bharat.gov.in/services>



5. Considering the submissions made on either side and since the petitioner has paid the alleged amount of misappropriation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, this Criminal Original Petition is allowed and 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, Musiri, Trichy 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 learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m.

(c) the petitioner shall not tamper with the 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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



TO

1. The Judicial Magistrate, Musiri,
Tiruchirappalli District.
2. Do Through
The Chief Judicial Magistrate,
Trichy.
3. The Inspector of Police,
CCIW - CID, Trichy,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.11868 of 2021
Date : 26/08/2021

TR/PN/SAR-I(16.09.2021) 3P 5C