



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13923 of 2021

A.C.Thirumoorthy ... Petitioner/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Commercial Crime Investigation Wing,
Karur District.
(Crime No.2 of 2018). ... Respondent/Complainant

For Petitioner : M/s.Suresh M,
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 in Crime No.2 of 2018 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 offence punishable under Sections 408, 477(A) r/w. 120B of IPC, in Crime No.2 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is working as Assistant / Circle Supervisor in Tiruchirappalli District Central Co-operative Bank Ltd. The petitioner along with other officers sanctioned jewel loan on the spurious gold jewels and also caused loss to the Co-operative Bank to the tune of Rs.1,09,47,917/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been



falsely implicated in this case. However, to show his bonafide, the petitioner has taken a Demand Draft for a sum of Rs.4,65,000/- (Rupees Four Lakhs Sixty Five Thousand Only) in the name of Andipatti PACCS Limited.

4. The learned Government Advocate (Crl. Side) submits that the petitioner is responsible for the loss of Rs.19,65,000/- along with the first accused. The first accused has already paid a sum of Rs.15,00,000/-. He further submits that the investigation is yet to be completed.

5. Considering the nature of allegation against the petitioner and the fact that to show his bonafide, the petitioner has taken the Demand Draft for a sum of Rs.4,65,000/-, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on 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.1, Kulithalai, Karur District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge 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 Judge 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 once in a week i.e., every Monday at 10.30 a.m., until further orders.

[c] the petitioner shall handover the same to the respondent Police. The respondent Police, in turn, shall hand over the Demand Draft to Andipatti PACCS Limited.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/10/2021

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

ssb

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.1,
Kulithalai, Karur District.
2. -do-Through The Chief Judicial Magistrate,
Karur District.
3. The Inspector of Police,
Commercial Crime Investigation Wing,
Karur District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.13923 of 2021

Date :27/10/2021

RD/CN/SAR-IV (17.11.2021) 3P 5C