



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.10.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.15139 of 2021

Samuthiravelu

... Petitioner/Sole Accused

Vs

State rep by
The Inspector of Police,
Nalattinpudur Police Station,
Thoothukudi District.
Crime No.360 of 2021

... Respondent/Complainant

For Petitioner : Mr.S.Ramasamy
Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.360 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 409 and 420 IPC, in Crime No.360 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Parameshwaran, who is Assistant Superintendent Posts, Kovilpatti, gave a complaint to the respondent police on 06.09.2021 stating that the petitioner misappropriated a sum of Rs.30,000/-. Hence, the complainant.

3.The learned counsel for the petitioner submitted that prior to the registration of the case, the Senior Superintendent of Posts, Kovilpatti Division has initiated disciplinary proceedings against the petitioner and he was placed under off duty with effect from 24.01.2019 by order dated 05.02.2019 and in the very next day itself, he deposited the entire misappropriated money of Rs.61,000/- to the respective customers account on 06.02.2019 and 13.02.2019. To that effect, the receipts were also furnished by the



Postal Department. Hence, he prayed for granting anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police strongly opposed this petition on the ground that investigation is yet to be completed.

5.Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioner, the repayment made by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed. 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.I, Kovilpatti, 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 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police once in a week i.e on every Monday at 10.30 a.m until further orders.

[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.

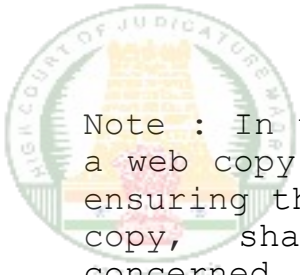
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

Sd/-
07/10/2021

/ 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.

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TO

- 1.THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
NALATTINPUDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.15139 of 2021
Date : 07.10.2021

VB/VR/SAR-I/20.10.2021/3P/5C