



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.17273 of 2021

Wasington

... Petitioner/Sole Accused

Vs

The state represented by
The Inspector of Police,
District Crime Branch, Ramanathapuram,
Ramanathapuram District.
Cr.No.31/2021).

... Respondent/Complainant

For Petitioner : M/s.Abiya.K,
Advocate.

For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatroy Bail in Cr.No. 31/2021 on the file of the
respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and
the learned Government Advocate(Crl. Side) appearing for the
respondent.

2.The petitioner/accused, who apprehends arrest at the
hands of the respondent police, for the offences punishable under
Sections 409 and 420 IPC, in Crime No.31 of 2021, seeks anticipatory
bail.

3.The case of the prosecution is that the petitioner who is
working as Assistant Branch Manager in the Bank of India, Mandapam
Branch, has illegally transferred a sum of Rs.98 Lakhs to his wife's
account and also transferred that amount to various persons from his
wife's account. Hence, the complaint.



4. In earlier occasion, i.e on 11.11.2021, interim anticipatory bail was granted to this petitioner, enabling him to appear before the respondent police to co-operate with the investigation and a direction was issued to the respondent police, to file a report before this Court, after verifying with the defacto complainant, as to the volume of the amount misappropriated and how it has been recovered or collected from the accused.

5. Today (30.11.2021), the Inspector of Police, Ramanathapuram has filed a report before this Court that a sum of Rs.98,00,000/- (Ninety Eight Lakhs Only), subject matter of this Criminal Original Petition has been settled by the petitioner and this Court placed its appreciation.

6. Recording the report submitted by the he Inspector of Police, Ramanathapuram through the Government Advocate that a sum of Rs.98,00,000/- (Ninety Eight Lakhs Only), has been settled by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 Judicial Magistrate Court No.II, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, 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 as and when required, 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

30/11/2021

/ TRUE COPY /

WEB 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.II,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.ABIYA K Advocate SR.No.8643

ORDER

IN

CRL OP(MD) No.17273 of 2021

Date :30/11/2021

VRN

SS/JC/SAR-II/06.12.2021 : 3P/6C