



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.834 of 2022

Deepalakshmi

... Petitioner

Vs.

The State rep by
The Inspector of Police
District Crime Branch,
Thiruvannamalai District.
Crime No.13 of 2021

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of her arrest in Crime No.13 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr. M. Krishnamoorthy

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

ORDER

The petitioner, who apprehends arrest for the alleged offences under Sections 408, 477(A) 420 of IPC and Section 66C of Information Technology Act, 2000 in Cr.No.13 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Srinivasan S/o.Durai running M/s.CMSIT Service Pvt. Ltd. and he was doing control of computer systems of various banks under contract basis from the year 2015. While he was repairing all the computer systems, in Bharath State Bank, Ambattur Branch, secrete code No of all the customers of the said bank has been taken and used for diverting the amount more than Rs.36,19,243/- from the Bank account to his friends and relative accounts in which some amount has been transferred to the account of



the petitioner who was working as temporary employee at State Bank of India, Ambattur. During the investigation, the petitioner is said to have involved for diverting the said amount. Hence, the defacto complainant lodged a complaint against the petitioner.

3. The learned counsel appearing for the petitioner submits that she has no way connected with the alleged occurrence and she has been falsely implicated in this case. He further submits that the name of the petitioner was not mentioned in complaint in Crime No.13 of 2021. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to her rights, is ready to deposit a sum of Rs.2,00,000/- to the credit of the crime number. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner has mishandled the secrete code of the customers of the State Bank of India, along with one Srinivasan and some amount has been transferred to her account. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the petitioner, on her own volition, is ready to deposit an amount of Rs.2,00,000/- to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Thiruvannamalai 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakh Only) to the credit of Cr.No.13 of 2021 before the learned Judicial Magistrate-I, Thiruvannamalai within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the learned learned Judicial Magistrate-I, Thiruvannamalai shall disburse a sum of Rs.2,00,000/- to the defacto complainant obtaining an affidavit of undertaking from the defacto complainant that in the event of the petitioner succeeding the case, the amount of Rs.2,00,000/- received by him would be returned back to the petitioner to the credit of Cr.No.13 of 2021 will be returned to the petitioner within a period of two weeks from the date of deposit. The defacto-complainant is permitted to withdraw the aforesaid amount.



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(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner is directed to appear before the respondent police as and when is required until further orders;

(d) the petitioner shall not tamper with 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 anticipatory 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
12/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVANNAMALAI DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.KRISHNAMOORTHY Advocate on payment of necessary
charges SR.NO.707

CRL OP.834/2022

Date :12/01/2022

JPA 20/01/2022