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CrI.O.P.No.18840 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 409 IPC in Crime No.822 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a sales officer, who received a sum of Rs.1,17,762/- from the finance group members of the same bank and failed to credit the same in their respective accounts. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has nothing to do with the alleged offence. He further submitted that the petitioner is ready to abide any condition imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor submitted that the petitioner misappropriated a sum of Rs.1,17,762/- from the customers of the defacto complainant bank. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner misappropriated to the tune of Rs.1,17,762/-, which were collected from the subscribers of the said bank and failed to deposit the same with the defacto complainant bank. Further, the petitioner is ready and willing to deposit the said amount without prejudice to the rights of his defence.

6. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.1,18,000/- to the credit of defacto complainant Bank, within a period of two weeks from the date of receipt of a copy of this order. On such deposit, the petitioner is ordered to be released on bail.



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7. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate, Palladam, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall deposit a sum of Rs.1,18,000/- (Rupees One Lakh Eighteen Thousand only) to the credit of defacto complainant Bank, within a period of two weeks from the date of receipt of a copy of this order.

[b] 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 Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required



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for interrogation.

[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 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 229A IPC.

10.08.2022

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G.K.ILANTHIRAIYAN, J.
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