



Crl.OP.No.24158 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 409 and 420 IPC in Crime No.269 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Prasannakumari, Grade-II Assistant, Judicial Magistrate Court-II, Ponneri is that the accused was working as a Head Clerk of the Judicial Magistrate Court-II, Ponneri and that on 16.09.2022, when the learned Judicial Magistrate-II opened the bureau where cash are maintained, it was found notes with different serial numbers other than the actual notes which were kept, thereby, inferring that the petitioner had taken actual notes and replaced with some other notes and thereby, the petitioner has committed temporary misappropriation. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false complaint has



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been given against him. He would submit that there had been some discrepancy in maintenance of record and the petitioner has been made as an escape goat in the proceedings. He would submit that only the serial numbers did not tally with the original notes and that there is no actual misappropriation. He would further submit that he has put in several years of unblemished service and that it is only a case of not exercising due diligence. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner working as a Court staff, he was in charge of the cash deposited in the Court. The allegation against the petitioner is that he had misappropriated the original notes which were deposited in the Court and had replaced it by some other notes. He would further submit that the petitioner has been suspended from the job. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned



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Additional Public Prosecutor and perused the material available on record.

6. Taking into consideration the facts and the submissions, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

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-II, Ponneri 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 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 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with 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 229A IPC.

29.11.2022

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A.D.JAGADISH CHANDIRA, J.

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