



CrI.O.P.No.26506 of 2022

A.D. JAGADISH CHANDIRA, J.,

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The petitioner, who apprehends arrest for the alleged offences under Sections 120(b), 465, 468, 471, 477(A) of IPC in Cr.No.337 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a branch manager in the Manapuram Finance, Erode Zone and the other staffs of Chittode Branch of Manapuram Finance Ltd had in collusion with the other accused by mortgaging fake jewels had disbursed loans to the tune of several lakhs. Hence, the complaint.

3. The learned counsel for the petitioner is arrayed as A4. The allegation against the petitioner is that he has colluded with other accused. The facts remains, the jewel loans were sanctioned prior to 02.11.2020 to 10.11.2020. The petitioner had joined the Bank only on 15.03.2022, he would submit that without the knowledge of the petitioner, the other accused have committed the offence. He would further submit that there could be only a case of dereliction of duty on the part of the petitioner. The total amount involved in this case is Rs.6,86,200/-. In this case A3 was granted bail by the trial Court, with a condition to deposit a sum of Rs.5lakhs. This Court by an order dated 14.10.2022 in CrI.OP.No.24817 of 2022 granted bail to A2 with a direction to deposit a sum of Rs.1lakh to the credit of crime number. Hence, he prays for grant of anticipatory



bail to the petitioner.

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4. The Government Advocate (Crl.side) would submit that the petitioner is the Branch Manager of Manapuram Finance limited, the petitioner and other accused had misappropriated the funds of the bank to the tune of several lakhs by mortgaging fake jewels. A3 granted bail by the trial Court. This Court granted anticipatory bail to A2 in Crl.OP.No.24817 of 2022 dated 14.10.2022. He would submit that the investigation is pending.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.III, Erode, on condition that the petitioner shall execute a separate 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 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 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 10.30am for a period of two weeks and thereafter on every Saturday at 10.30am 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.

With the above directions, this Criminal Original Petition is ordered.

01.11.2022

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