



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.03.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.4186 of 2022

Booma

... Petitioner/ Sole Accused

Vs

State represented by
The Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.
(Now Tenkasi District)
(Crime No.510 of 2019)

... Respondent/Complainant

For Petitioner : Mr.T.Veerakumar,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).

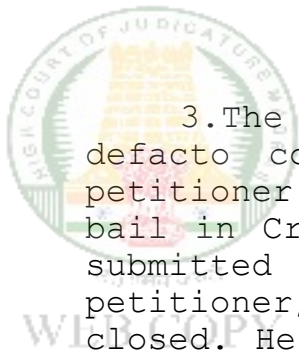
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-For Anticipatory Bail in Crime No.510 of 2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 409 IPC, in Crime No.510 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 28.03.2019, one of the customers of the Tamilnad Mercantile Bank Ltd., namely, Rajiv Sankara, has sent a courier through DHL Courier to the said bank address from Singapore, that the said courier was not received within a time by the bank, for which, the bank caused a loss of Rs.34,00,000/- and that on verification, it was found that the Assistant Manager of the said bank had received the said courier and after enquiry, it was later alleged that the same was handed over to the petitioner herein. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the defacto complainant has filed earlier complaint and hence, the petitioner was constrained to file a petition seeking anticipatory bail in Crl.O.P.(MD)No.7501 of 2019 and that since the prosecution submitted that no case and enquiry is pending as against the petitioner, recording the submission, the petition was ordered to be closed. He would further submit that subsequently another complaint was lodged and the same was pending in CSR.No.331 of 2019 and thereafter on the basis of which, FIR came to be registered.

4.The learned counsel for the petitioner would further submit that the petitioner has filed a petition in W.P.(MD)No.17641 of 2020 seeking direction to the bank officials to furnish CCTV footage and Tamil version of deposition of MW-1 submitted before the fourth respondent-enquiry officer therein and consequently directing the respondents 1 and 4 therein to reopen the enquiry so as to enable to cross examine the third respondent and this Court, vide order dated 03.12.2020, has issued directions directing the respondents therein to provide copy of the deposition and also the CCTV footage of the same and to complete the enquiry within a period of four months from the date of receipt of a copy of that order. He would further submit that after completing the enquiry, the petitioner was ordered to be terminated from the service.

5.The learned Government Advocate (Criminal Side) would submit that the petitioner caused loss to the bank because of suppressing the document as they were constrained to pay rent for retaining container at the port.

6.It is pertinent to mention that the case was registered in the year 2019.

7.Considering the above facts and also the facts that FIR came to be registered in the year 2019 and that investigation might have been completed by this time and taking note of the fact that the petitioner was terminated from service, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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 of receipt of a copy of this order, before the learned Judicial Magistrate Court, Tenkasi, 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 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 the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/03/2022

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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,
TENKASI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PAVOORCHATRAM POLICE STATION, TIRUNELVELI DISTRICT,
(NOW THENKASI DISTRICT)

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.T.VEERA KUMAR, Advocate (SR-1953[I] dated 11/03/2022)

ORDER IN

CRL OP(MD) No.4186 of 2022

Date :10/03/2022

CSM

MK/VR/SAR.IV/21.03.2022/3P/6C