



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.16111 of 2022

S.Sundaramoorthy

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Soolkkarai Police Station,
Virudhunagar District.
(Crime No.137/22).

... Respondent/Complainant

For Petitioner : M/s.C.Suresh Kannan
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.137/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
409, 417, 468, 477(A) of IPC in Cr.No.137 of 2022, seeks
anticipatory bail.

2.The case of the prosecution is that the petitioner/sole
accused is a postal officer, who had misappropriated a sum of
Rs.23,000/- from the accounts of the depositors. Hence the
complaint.

3.The learned counsel for the petitioner submitted that the
petitioner has not committed any offence as alleged by the
prosecution. He has been falsely implicated in this case. He
further submitted that he has remitted the amount to the accounts of
the depositors and he is now under suspension and pray the
petitioner to be released on anticipatory bail.



4.The learned Government Advocate(Crl.side) submitted the misappropriated amount has been remitted to the respective postal accounts and the petitioner is under suspension. He further submitted that no previous case has been registered against the petitioner and pray the petition to be dismissed.

WEB COPY

5.Considering the facts and circumstances of this case, considering the nature of offence and also considering the fact that no previous case has been registered against the petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Virudhunagar, 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 to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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]**; and;

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

sd/-

07/09/2022

/ TRUE COPY /

/09/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.2,
VIRUDHUNAGAR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
SOOLAKKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-9740[I] dated
07/09/2022)

ORDER
IN
CRL OP(MD) No.16111 of 2022
Date :07/09/2022

pnn
USK/SBN/SAR-II/12.09.2022/3P/5C