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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18967 of 2022

P.Raja

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
City Crime Branch,
Tirunelveli City.
Crime No.12 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Mahalakshmi S,
Advocate.

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

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

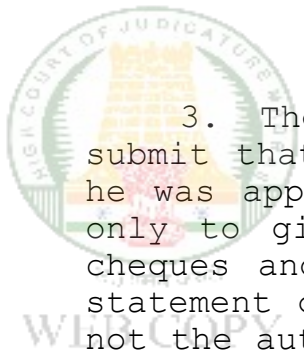
PRAYER :-

For Anticipatory Bail in Crime No.12/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 409, 417, 418 and 420 of IPC, seeks anticipatory bail.

2. The case of the prosecution is that the complainant has received a discreet information from the Regional Head of ESAF Small Finance Bank viz., Sumesh Gopinath that in the Palayamkottai Branch, the employees gave loan on imitation jewels. Based on that, the complainant has conducted inspection and found that the Branch Manager, Palayamkottai Branch viz., Thirunavukkarasu gave four gold loans for a total sum of Rs.69,90,000/- without getting sanction from the complainant. During enquiry, he has confessed that he has given a sum of Rs.3,00,000/- to the third accused. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner was working as sales executive and then he was appointed as Cashier in the aforesaid Bank and his duty is only to give cash against withdrawal on the basis of challan or cheques and he is arrayed as accused only based on the confession statement of A1. She would further submit that the petitioner is not the author of the alleged forgery. He is an innocent and he did not commit any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner and other accused have swindled a huge amount of Rs.69,90,000/- from the complainant's Bank. The co-accused were arrested and thereafter, released on bail. He would further submit that investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of offence and also the fact that the co-accused were already released on bail, 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 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 No.I, Tirunelveli, 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 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 respondent police once in a week i.e., on every Monday at 10.30 a.m., until further orders;

[c] the petitioner is directed to deposit a sum of **Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.12 of 2022 before the learned Judicial Magistrate No.I, Tirunelveli,** within a period of two weeks from the date of receipt of copy of this order, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

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

sd/-
31/10/2022

/ TRUE COPY /

/11/2022

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

CP

TO

1.THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3.THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI CITY.

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

+1 CC to M/s.S.MAHALAKSHMI, Advocate (SR-12260[I] dated
02/11/2022)

ORDER
IN
CRL OP(MD) No.18967 of 2022
Date :31/10/2022

RK/SSS/SAR-1 (09/11/2022) 3P/6C