



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

Date : 10/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.19836 of 2022

Chidambaram

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District
(Crime No.52 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Narayanakumar K P,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

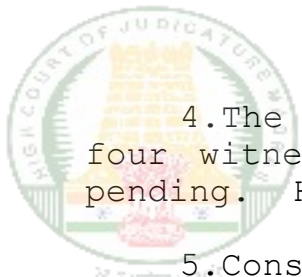
For Anticipatory Bail in Crime No.52 of 2022 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole accused2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409 and 420 IPC, in Cr.No.52 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that when the petitioner was working as a Post Master in Alwarkurichi Sambankulam Village, One Rahumad Beevi and Seethalakshmi deposited a sum of Rs.60,700/- and Rs.29,000/- in her SB Account respectively and the petitioner had misappropriated a sum of 73,700/- and Rs.24,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that though the petitioner is not in service, the entire amount of Rs.1,60,000/- was deposited. Hence, he prays for anticipatory bail.



4.The learned Government Advocate(Crl.Side) would submit at four witnesses have been examined and the investigation is still pending. Hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the fact that four witnesses have already been examined, this Court is inclined to grant anticipatory bail to the petitioners 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 Court, Ambasamuthiram, 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 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]**; and;

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

sd/-

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



TO

1. THE JUDICIAL MAGISTRATE,
AMBASAMUTHIRAM.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALWARKURICHI POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-12877[I] dated
11/11/2022)

ORDER

IN

CRL OP(MD) No.19836 of 2022

Date :10/11/2022

sj i

USK/SSS/SAR-II/17.11.2022/3P/6C