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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/11/2022
PRESENT

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

CRL OP(MD) . No.21064 of 2022

Rajesh

... Petitioner/Accused(Sole)

Vs

The State rep.by
The Sub Inspector of Police,
Thathaiyanagar Pet Police Station,
Trichy District.
(Crime No.632 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Rajan G,
Advocate.

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

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

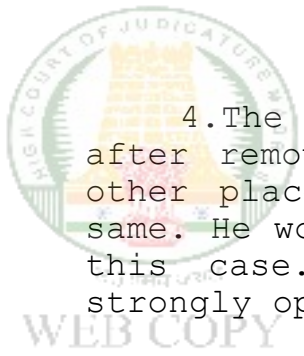
PRAYER :- For Anticipatory Bail in Crime No.632 of 2020 on the file of the Respondent Police.

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 406 and 408 IPC, in Cr.No.632 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was working as a Postal Writer at Mettupalayam, Trichy District. During the course of audit, it was found that in between the years 2015 and 2016, the petitioner has misappropriated the public amount of Rs.25,940/- in connection with 'Village Postal Life Insurance'. Hence, the complaint.

3.The learned counsel for the petitioner would submit that false case has been foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the misappropriated amount was deposited by the petitioner and he was also suspended from the service. FIR was registered on 14.07.2020. Now, more than 2 years was lapsed. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) would submit that after removal from his service, he shifted his residence to some other place. Hence, they are not in a position to trace out the same. He would further submit that 2 witnesses have been examined in this case. The investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.At this juncture, the learned counsel for the petitioner would submit that the petitioner now residing at Andipatti, Theni.

6.Considering the facts and circumstances of the case and also considering the facts that the 2 witnesses have been examined in this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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, Thuraiyur, 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/-

29/11/2022

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05/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
THURAIYUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
THATHAIYANAGAR PET POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to M/S.RAJAN G Advocate SR.No.13900

ORDER

IN

CRL OP(MD) No.21064 of 2022

Date :29/11/2022

DSS

SA/SSS/SAR.3/05.12.2022/3P/6C