



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

Date : 15/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22140 of 2022

WEB COPY

R.Natarajan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Ayakudi Police Station,
Dindigul District.
Crime No.127 of 2019.

... Respondent/Complainant

For Petitioner : M/s.Herold Singh S.C., Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.127 of 2019 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 and 420 IPC in Crime No.127 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Senthilkumar, who is the Assistant Postal Superintendent, Palani, is that the accused was working as a Branch Postal Officer at Ayakudi Sub Post Office, has embezzled the funds to the tune of Rs.84,000/- deposited by the nine account holders in the Postal Savings Bank Account. Hence, the case.

3.The learned counsel for the petitioner would submit that there was a discrepancy in the account and later, the petitioner has also, during enquiry, paid the amount to the department. He would further submit that the alleged occurrence is stated to have taken place during the year 2014 and the complaint has been given during the year 2019 and in the departmental enquiry, the petitioner has also been terminated from service. He would further submit that the entire case of the prosecution is borne out by documents and the petitioner is ready to appear before the respondent police for enquiry. Hence, he seeks for anticipatory bail.



4.The learned Government Advocate (Crl. side) would submit that the petitioner was working as the Branch Postal Officer in Ayakudi Sub Post Office, had embezzled the funds deposited by the customers in the Postal Savings Bank Account and he would oppose for grant of anticipatory bail to him. However, he would submit that the amount has been repaid after enquiry and the petitioner has been terminated from service.

5.Heard. Perused the materials available on record.

6.Taking into consideration the facts and the submissions, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 on which the order copy made ready, before the learned Judicial Magistrate, Palani, on condition that the petitioner shall execute 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 condition 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m. 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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

SJI

<https://www.mhc.tn.gov.in/judis>



TO

1 THE JUDICIAL MAGISTRATE, PALANI.

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

3 THE INSPECTOR OF POLICE, AYAKUDI POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to M/S.HEROLD SINGH S.C. Advocate SR.No.62736[F]

ORDER

IN

CRL OP(MD) No.22140 of 2022

Date :15/12/2022

RS/MMS/SAR.1(28.12.2022) 3P-6C