



Crl.O.P.No.4636 of 2023

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 408,409, 465, 471, 477A of IPC in Crime No.02 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are the employees of the co-operative Society and it is was found that there was a misappropriation in the account of co-operative society to the tune of Rs.18,86,563/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and have not committed any offence as alleged in the FIR. More so, out of Rs.18,86,563/- a sum of Rs.10,00,000/- has been returned to the defacto complainant. He further submitted that the petitioners without prejudice to their rights and contentions is ready and willing to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) to the credit of Cr.No.02 of 2022 as directed by this Court. Hence, he prayed for grant of anticipatory bail to the



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petitioners.

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4. The learned Government Advocate (Crl. Side) would submit that the learned District Munsif Cum Judicial Magistrate Court – Nannilam had issued Non Bailable warrant on 23.01.2023 against the petitioners. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration facts and circumstances of the case and also the fact that the petitioners have voluntarily come forward to deposit Rs. 30,000/- (Rupees Thirty Thousand Only) each to the credit of Cr.No.02 of 2020, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed 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 **District Munsif Cum Judicial Magistrate Court, Nannilam** on condition that the petitioner shall execute a separate bond for a sum of



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Rs.10,000/- (Rupees Ten Thousand only) with two sureties (one of which shall be a blood related surety) each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) to the credit of **Crime Number 02 of 2020** within a period of two weeks from the date of receipt of a copy of this order before the concerned Magistrate. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the amount of Rs.30,000/- was deposited by each of the petitioners to the credit of **Crime Number 02 of 2020** within a period of two weeks and the defacto complainant is permitted to withdraw the said deposit amount of Rs.30,000/- on proper identification and acknowledgment;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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(c)the petitioners shall report before the respondent police on every Tuesday and Friday at 10:30 a.m. for a period of eight weeks;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

02.03.2023

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