



Crl.O.P.No.5040 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 409 of IPC in Crime.No.183 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant V.Thirugnanasambanthan, Postal Inspector, Vellore West Sub Division, Vellore District is that the petitioner/accused while working as a Post Master at Sub Post Office, Nadanoor, has misappropriated the amounts to the tune of Rs.66,500/- from the accounts of the depositor one A.Muthu, who is the own brother of the petitioner/accused. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that there was some discrepancies in the



Crl.O.P.No.5040 of 2023

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accounts and thereafter, an internal enquiry was conducted by the Postal Department and during such time, the petitioner has also deposited some amounts with interest to the credit of the Postal Department and would further submit that the petitioner has also been suspended from service. He would further submit that no previous case is pending as against the petitioner. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner while working as a Post Master at Sub Post Office, Nadanoor, had misappropriated the amounts to the tune of Rs.66,500/- from the accounts of the depositor in the Postal Department. He would further submit that there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on



CrI.O.P.No.5040 of 2023

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record including the FIR.

6. Taking into consideration the facts and circumstances of the case and also the submissions of either sides, 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, Polur** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees twenty five thousand only)** **with two sureties** 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond



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CrI.O.P.No.5040 of 2023

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]***; and;

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

07.03.2023

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Crl.O.P.No.5040 of 2023

A.D.JAGADISH CHANDIRA, J.

arb

Crl.O.P.No.5040 of 2023

07.03.2023