



Crl.O.P.No.5512 of 2023

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WEB C **A.D.JAGADISH CHANDIRA.J,**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 409, 420, 465, 468, 477-A of IPC, in Crime No.01 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Sathish Kumar, Regional Manager, R.O.II, Canara Bank, Coimbatore is that the accused who were employees of the bank had misappropriated the deposit amounts of the customers in the bank and thereby caused wrongful loss to the bank to the tune of Rs.2,00,58,588/-. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2 in this case and that he has been falsely implicated in this case. She would further submit that the petitioner was suspended from the bank and thereafter a show cause notice has been issued by the bank wherein the bank has claimed an amount of Rs.11,75,000/- from the petitioner. She would further submit that the bank has also filed a civil suit against the petitioner which is pending in O.S.No.17 of 2023 on the file of the



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learned District Judge, Nilgiris, Ootacamund. She would submit that in the show cause notice, the respondent bank has also attached the gratuity amount of the petitioner to the tune of Rs.19,68,708.12. However, she would further submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.2,00,000/- to the credit of Crime No.01 of 2023 towards the alleged loss incurred by the defacto complainant. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is the employee of the defacto complainant's bank. He along with other accused have by misappropriating the amounts deposited by various customers cheated the bank to the tune of Rs.2 Crores and the liability fixed on the petitioner is Rs.11,75,000/-. Therefore, he vehemently opposed to grant of bail to the petitioner.

5.Heard the learned Counsel appearing for the petitioner as well as the learned Government Advocate (Crl.Side) and perused the materials available on record.



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6.Taking into consideration the facts of the case and also taking note of the fact that now the petitioner is ready to deposit the said amount without prejudice, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is directed to deposit a sum of **Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Crime No.01 of 2023** and on such deposit and production of proof, 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, Coonoor, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, 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 and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent police daily 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 abscond, a fresh FIR can be registered under Section 229A IPC.

20.04.2023

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