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Crl.O.P.No.11533 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 403, 408 and 34 of I.P.C. in Crime No.14 of 2022 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along other two accused were employed in a company engaged in cash replenishment agency offering services of cash replenishment through bank ATMs and during internal audit, it was found there is shortage of Rs.62,60,800/-. After internal investigation, it reveals that the petitioner along with two other accused are said to be the custodians of the cash and they have misappropriated the same. Hence, a complaint was registered against the petitioner.

3. The learned counsel for the petitioner would submit that this the second petition seeking for anticipatory bail and the petitioner is an



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innocent person. He would submit that the petitioner's job is to replenish cash in ATM as directed by supervisor, who is arrayed as A1, so the accounts with respect to replenishment of cash was exclusively dealt with A1. Hence, he has nothing to do with the allegation of shortage of cash and he has been falsely implicated in this case. He would submit that there is no specific overtact attributed against the petitioner and the petitioner is ready to comply with any condition imposed by this court and co-accused was arrested and released on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner was also involved in the alleged occurrence and in fact, nearly a sum of Rs.15 lakhs was involved in the offence and OTP number, which was sent to petitioner's mobile number was handed over by him as per the contention of other accused. He would submit that the investigation is almost completed. He would further submit that if the anticipatory bail is granted, the petitioner may tamper the evidence and hamper the investigation. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the above fact and circumstances of the case and the submissions made by both the counsels and also the fact that investigation is almost completed and co-accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner **on condition that he shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of Crime No.14 of 2022 within a period of two weeks from the date of receipt of copy of this order.**

6. On such deposit, 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 No.1, Thiruppur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, 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:



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[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 a.m. for the period of two months.

[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.

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