



Crl.OP.No.12857 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 409, 417, 420 and 34 of IPC in Crime No.36 of 2019, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Felix Anantharaj who is the Territory Risk Manager of M/s.Equitas Small Finance Bank Ltd is that the petitioner who is working as the Branch Receiver Officer at Equitas Small Finance along with one Sheikwaris Hussain and Sathiyaseelan who are the Branch Manager and Assistant Manager at Equitas Small Finance had in collusion with each other misappropriated the amount of Rs.29,04,762/- from their customers and also collected the monthly installments from 291 borrowers amounting to Rs.16,00,000/- and had not remitted into the bank for credit into the customers respective loan amount and had misappropriated the said amount wrongfully and enriched themselves. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that he is an innocent and he has been falsely roped in this case. He would further submit that the alleged occurrence is stated to have taken place during the year 2018 and the complaint had been given after one year ie., 16.07.2019. He would also submit that ever after the registration of the case, the petitioner was continuously working in the bank and he has not absconded. He would further submit that the entire case is borne out by documents and he is ready to co-operate for the investigation and willing to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner who is a Staff in the Bank along with other accused by fabrication and falsification of accounts had cheated Rs.29,04,762/- belonging to the customers and cheated the bank and liability is fixed on the petitioner is Rs.5,00,000/- and thereby he would vehemently oppose to grant anticipatory bail to the petitioner.

5. By way of reply, the learned counsel for the petitioner would submit that the petitioner without prejudice his right, is ready and willing to deposit a sum of Rs.1,00,000/- to the credit of Crime No.36 of 2019 to show



his bonafide and thereby, he would seek anticipatory bail to the petitioner.

6. Taking into consideration the facts and submissions made by both counsel and also taking note of the fact that the petitioner without prejudice his rights, is ready to deposit a sum of Rs.1,00,000/- to the credit of Cr.No.36 of 2019, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Cr.No.36 of 2019 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-I, Ponneri**, on condition that the petitioner shall execute a 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 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.



[b]the petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

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[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 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]**.

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

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