

CrI.O.P.No.20835 of 2023**RMT.TEEKAA RAMAN, J.,**

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The petitioner/A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 465, 466, 471 and 409 of I.P.C, in Crime No.10 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 was working as a Head Clerk in IV Additional District Court, Bhavani. During the tenure, M.C.O.P. deposit amount from the Court account was transferred to the Bank of Baroda through two cheques that amount was credited in office account of Bank of Baroda. It is alleged that as per the request of A1 the cheque amount Rs.2,93,930/- and Rs.1,15,000/- was transferred by A2 in the capacity of Manager of Bank of Baroda to savings account. The case is that A1 has affixed the signature of Judicial officer fabricated the Court record and transferred the said amounts to his personal account. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that A1 was arrested and released on bail by this Court in Crl.O.P.No.4719 of 2023, dated 02.03.2023. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, A1 was arrested and released on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-I, Bhavani**, on condition that the petitioners shall execute a separate 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



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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, everyday 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.

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