



Crl.O.P.No.21974 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 409 of I.P.C, in Crime No.125 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the Head Clerk of J.M.No.II Court, Tiruvannamalai. While he was preparing annual report, on verification of the record, fine receipt, fine register and E-challan which were maintained by former Head Clerk during the period from 07.04.2022 to 11.11.2022, he found that on 23.06.2022 a fine amount of Rs.73,800/- has been collected, out of which Rs.17,900/-only has been deposited in S.B.I and balance amount of Rs.2900/-has not been deposited. Further on 12.08.2022, a fine amount of Rs. 27000/- and on 13.08.2022, Rs.95,700/- totally Rs.1,22,700/- has been collected and out of which Rs.1,12,700/- has been deposited. A balance amount of Rs.10,000/- has not been deposited. Hence the case.



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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.

4. The learned Government Advocate (Criminal Side) for the respondent would submit the de-facto complainant lodged a complaint against the former Head Clerk for misappropriation of fund. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the intervenor and he vehemently opposed to grant anticipatory bail to the petitioner.

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

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, the petitioner is ready to deposit the alleged misappropriated fund of Rs.12,900/-. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, **petitioner is directed to deposit a sum of Rs.12,900/- (Rupees Twelve Thousand and nine hundred only) to the**



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credit of Crime No.125 of 2023, before the concerned Magistrate on or before 13.10.2023, failing which, the anticipatory bail shall stand dismissed, 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-II, Tiruvannamalai**, on condition that the petitioner 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 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 deposit a sum of Rs.12,900/- (Rupees Twelve Thousand and nine hundred only) to the credit of Crime No.125 of 2023,**



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before the concerned Magistrate, or or before 13.10.2023, failing which, the anticipatory bail shall stand dismissed;

[c] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of four weeks;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

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