



Crl.O.P.No.25897 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/second accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 409 & 420 of IPC in Crime No.126 of 2023 on a complaint lodged by the defacto complainant on 31.05.2023, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as Manager in ICICI Bank, Pennadam branch. The petitioner is working as cashier in the said Bank. It is alleged that he had received a sum of Rs.5,00,000/- from Bank's customer for depositing in her account. Instead it is stated that he had misappropriated the said sum. The petitioner is absconding.

3. The learned counsel for the petitioner would submit that he would deposit the said sum of Rs.5,00,000/-.

4. In view of these particular facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, 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 Judicial



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Magistrate, Thittakudi, 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 deposit a sum of Rs.5,00,000/- to the credit of the Cr.No. 126 of 2023 before the learned Judicial Magistrate, Thittakudi and on such deposit, the learned Judicial Magistrate may hand it over to the defacto complainant.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further order.

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



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[d] 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 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]**.

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

10.11.2023

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