



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.2680 of 2023

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Subbulakshmi

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Ettaiyapuram Police Station,
Thoothukudi District.
(in Cr.No.27 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of her arrest by the respondent Police with respect to Cr.No.27 of 2023.

For Petitioner	: Mr.R.Murugan, Advocate.
For Respondent	: Mr.A.Albert James Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 409 and 420 of IPC in Crime No.27 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that while the petitioner was working as a Branch Post Master in Chinnamalaikundru Post Office, she had misappropriated funds to the tune of Rs.10,360/- deposited by various depositors. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner was working as a Branch Post Master and due to some discrepancies in the accounts, the petitioner has been implicated in this case. The petitioner has now been suspended and she is facing departmental enquiry. He would also submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on her. Hence, he would seek for anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that while the petitioner was working as a Branch Post Master in Chinnamalaikundru Post Office, she had misappropriated funds to the tune of Rs.10,360/- deposited by various depositors. He would oppose for grant of anticipatory bail to the petitioner.

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5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Vilathikulam, Thoothukudi District, 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 everyday at 10.30 a.m., for a period of one week and thereafter, as and when required, on issuance of summons.

[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.

sd/-

10/02/2023

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/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

- 1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM,
THOOTHUKUDI DISTRICT.
- 2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ETTAIYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MURUGAN R Advocate SR.No.2156(I)

ORDER
IN
CRL OP(MD) No.2680 of 2023
Date :10/02/2023

VA/BUC/SAR-3/23.02.2023/3P/6C