



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/03/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.3684 of 2023

Paramasivam

... Petitioner / Accused No.13

Vs

The State represented by its
The Inspector of Police,
District Crime Branch,
Tuticorin District.
(Crime No.1/2023.)

... Respondent / Complainant

For Petitioner : M/s.Shanmuganathan.VR., Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A13, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 418, 406, 465, 468, 470, 471, 420 and 120(B) of I.P.C., in Crime No.1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the de-facto complainant G.Sankarasubiramanian, Branch Manager of Indian Bank, Kulasekaranpattinam, Thoothukudi District, is that the first accused, namely Sudalai was working as an appraiser in the de-facto complainant's bank, during his period of employment, in collusion with A8 to A13, who were bank Managers during the relevant period and A2 to A7 customers of the bank had misappropriated 310.400 grams of gold jewels and disposed the same through A14 and A15, who are jewelry shop owners. Hence, the case.



3.The learned counsel for the petitioner would submit that the petitioner had taken charge as Manager of the branch on 23.09.2020 and even as per the prosecution, the alleged offence is stated to have been committed from 23.07.2018 to 17.06.2020 and during such time, there were four managers before him and that even as per the complaint, the de-facto complainant has alleged that the offence had been committed with the connivance of A1 to A7, who are respectively, the appraiser and the customers of the bank and he has also stated that the offence could have been committed due to the dereliction of the bank officials and no criminality has been attributed to the petitioner. He would further submit that the petitioner has not been suspended till date by the bank and he would pray for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the occurrence had taken place from the year 11.06.2018 to 17.06.2022 and there is a mistake in the FIR and it has also been clarified. He would further submit that the petitioner had also colluded with the appraiser and the other customers. Hence, he would object for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration the facts and the submissions and also the allegation as against the petitioner is that he is liable for dereliction of duty, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

7.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 learned Judicial Magistrate No.4, Thoothukudi, 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, daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness
<https://www.crl.org.in/> 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/-
03/03/2023

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

SJI

TO

1. The Judicial Magistrate No.4, Thoothukudi.
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Inspector of Police,
District Crime Branch, Tuticorin.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.3684 of 2023
Date :03/03/2023

ED/BUC/SAR-3 (17/03/2023) 3P 5C