



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5403 of 2023

SelvaSudha

... Petitioner/Accused No.2

Vs

The state rep.by
The Inspector of Police,
District Crime Branch,
Virudhunagar.
Virudhunagar District.
Crime No.22/2022.

... Respondent/Complainant

For Petitioner : Mr.G.Mariappan,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.22 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 408 and 420 of I.P.C., in Crime No.22 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was working as an accountant in Sivakasi SIPT Polytechnic College. Al was also working as a Cashier in the said Educational Institution. During the year 2017-18, 2018-19 and 2019-20, Al colluded with the petitioner, had collected various amounts from the students on the



head of Mess fees, hostel fees etc., and thereafter, failed to deposit the same in the account of the above institution. The total misappropriation to the tune of Rs.48,05,863/-. Hence, the case.

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

4.There are two accused in this case. The petitioner is arrayed as A2. Admittedly, she was working as an Accountant. The first accused only had received cash from the students and thereafter, he failed to account the same. Even as per the case of the prosecution, the petitioner assisted the first accused. Now the first accused was granted anticipatory bail on condition that he should deposit some amount. Accordingly, he deposited and he was granted anticipatory bail. Insofar as the petitioner is concerned, she is a widow and she was working under the instruction of A1.

5.Considering the above facts and circumstances of the case, 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 No.II, Virudhunagar, 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., for a period of two weeks and thereafter, as and when required for interrogation;

[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 were not imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble 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.

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sd/-
23/03/2023

/ TRUE COPY /

//2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR.
VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to G.MARIAPPAN Advocate SR.No.4778(I)

ORDER
IN
CRL OP(MD) No.5403 of 2023
Date :23/03/2023

VA/BUC/SAR-1/(28.03.2023)/3P/6C