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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/04/2023

PRESENT

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

CRL OP(MD). No.7610 of 2023

M.Bhagavathi

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
District Crime Branch,
Tenkasi.
(Crime No.9/2023).

... Respondent/Complainant

For Petitioner : Mr.C.Saravanakumar,
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.9/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of I.P.C., in Crime No.9 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was appointed as Principal at Shri Parasakthi CBSE School, Courttallam with effect from 11.08.2021. On the basis of the complaint lodged before the Joint Commissioner of HR & CE Department, Thoothukudi on 11.08.2021, the Assistant Commissioner of HR & CE conducted inspection at the said school and verified the accounts details of the said school. On verification, it was found that the petitioner did not discharge his duty with proper manner and failed to maintain the school accounts and caused loss to the tune of Rs.20,07,102/- and misappropriated the same. Hence, the case.



4.It is seen that the petitioner is working as a Principal of the school run by the HR & CE Department. There was a dispute between them in respect of appointment of the petitioner as a Teacher. On conducting auditing, the HR & CE Department found that there was a shortage of Rs.69,030/-. In fact, the petitioner has also challenged the order of show cause notice issued in respect of his service, filed a petition in W.P.(MD)No.7611 of 2023 before this Court and the same is still pending. In pursuant to the said writ petition, the present complaint has been lodged. Therefore, the custodial interrogation of the petitioner does not require in this case.

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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.1, Tirunelveli, 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 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/-
24/04/2023

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/05/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TENKASI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.C.SARAVANAKUMAR, Advocate (SR-6559[I] dated 25/04/2023)

ORDER
IN
CRL OP(MD) No.7610 of 2023
Date :24/04/2023

SS/CG/SAR IV/04/05/2023/3P/6C