

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO.12079 OF 2023

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner - accused seeking anticipatory bail in the event of his arrest in connection with Crime No.127 of 2023 on the file of Station House Officer, Bhainsa Town Police Station, Nirmal District. The offences alleged against the petitioner are under Sections 406, 409 and 420 of the Indian Penal Code.
2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for respondent - State and perused the record.
3. Briefly, facts of the case are that an amount of Rs.44,760/- which was refunded by the Income Tax Department to the victim namely P.Bhuma, was fraudulently diverted to the petitioner's account, who is a tax consultant.
4. Learned counsel appearing for the petitioner would submit that the said amount was erroneously transferred to the account of the petitioner and after finding the same, the said amount was paid back to the victim namely P.Bhuma, whose amount was

allegedly diverted. Therefore, prayed to grant bail to the petitioner.

5. In the said circumstances, this Criminal Petition is allowed and the petitioner – accused shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner - accused is directed to surrender before the Station House Officer, Bhainsa Town Police Station, on or before 18.12.2023. Upon such surrender, the said Station House Officer shall release the petitioner on bail, on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for a like sum each to his satisfaction.

ii) On such release, the petitioner – accused shall appear before the concerned police on every Monday between 10.30 AM and 01.00 PM for a period of four (04) weeks for the purpose of investigation and thereafter, as and when required.

iii) Further, the petitioner- accused shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date: 11.12.2023
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JUSTICE K.SURENDER