



Crl. O.P. No.27375 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused 2 to 4, who apprehend arrest in the hands of the respondent police for the offences punishable under Section 420 of IPC in connection with the Cr. No.161 of 2024, seek anticipatory bail.

2. The case of the prosecution is that Anchetty Branch Manager of SBI has lodged a complaint before the respondent police and the 1st accused, the Branch Manager of the SBI Bank, Anchetty Branch, has collected subsidy amount for TAHDCO schemes from 82 members and he has misappropriated the amount of TAHDCO schemes on 17 times during 15.11.2017 to 09.06.2020 and transferred the subsidy amount to third party/A2 to A4's account and hence SBI, Anchetty Branch has sustained loss to the tune of Rs.1,38,00,000/- and the 1st accused swindled the subsidy amount of Rs.8,38,000/-. Hence, the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case as against this petitioner for the alleged offence under Section 420 of IPC. According to the prosecution, the petitioner had swindled the subsidy amount from 82



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members and in fact, due to previous enmity, the defacto complainant has lodged a false case against the petitioners and the petitioners are innocent persons and they have not committed any offence and hence prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the Branch Manager of State Bank of India, Anchetty Branch has lodged a complaint by stating that the petitioner and other co-accused, have swindled the subsidy amount from 82 members and thereby, the defacto complainant's bank sustained Rs.1,38,00,000/- and hence, he strongly objected to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offences and the duration of the alleged offences is from 2017 to 2020, but the complaint was lodged in the year 2024, considering the fact that even according to the prosecution, the subsidy amount was transferred to the petitioners' bank account by A1, who is the Manager of the bank and the alleged offences are borne out of records and hence there would be no



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chance for tampering the evidence and also considering the fact that though this Court already dismissed the earlier anticipatory bail application, the respondent police were unable to secure the petitioners so far and no previous cases are pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **District Munsif cum Judicial Magistrate, Denkanikottai, Krishnagiri District** on condition that the petitioners 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10 a.m. until further orders.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or



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to any police officer or tamper with the evidence;

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[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

05.12.2024

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P.DHANABAL,J
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To

- 1.The District Munsif cum Judicial Magistrate, Denkanikottai, Krishnagiri District.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Anchetty Police Station, Krishnagiri District.



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