



Crl. O.P. No.26697 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 409 and 420 of IPC in connection with the Cr. No.443 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner / accused was working as Chief Manager in Panruti Branch from 12.06.2021 to 28.04.2023 and during his tenure, he has made fraudulent transactions viz., (i) A Tatkall Tractor loan, sanctioned to one K. Murugan was closed by him on 08.10.2021, but Rs.16,912/- was subsequently debited to the customer's SB Account and was routed through BGL account of the bank and Branch Parking account of one Prakash, who was an outsourcing employee of the bank and from the said amount, this petitioner had withdrawn Rs.11,000/- through ATM and another Rs.5,000/- was transferred to one Muthukumar, a friend of this petitioner, (ii) on 14.09.2022, an amount of Rs.85,000/- was recovered from Veerasamy for closure of his term loan, but only Rs.53,725/- was credited to the customer's loan account and Rs.22,500/- and Rs.1,500/- was credited to MSME term loan account of Anbarasi, who is the sister-in-law of this petitioner, (iii) one Ravi.V remitted Rs.3 lakhs and his relative Deenadayalan.S remitted Rs.86,000/- towards Recalled



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Assets Account, however, only Rs.3,13,309/- was credited to Recalled

Assets Account and the remaining amount was transferred to various account including this petitioner's account and (iv) on 31.12.2022, Rs.91,395/- was debited to the Branch Parking System's suspense account and credited to a SB Account of Anbarasi, the Sister-in-law of this petitioner. Thus, this petitioner has defrauded the bank and also customers by misappropriating the funds and other income which was supposed to be credited to the bank's Auca BGL Account maintained at the branch. Hence the case.

3. The learned counsel for the petitioner would contend that a false case has been registered as against the petitioner and he was working as Chief Manager in Panruti Branch and he has not committed any offence as alleged in the FIR, that he is an innocent and he would abide by any condition imposed by this Court. Hence, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that this petitioner, in his capacity as Chief Manager of State Bank of India, Panruti Branch, has defrauded the bank and also customers by misappropriating the funds and other income to the tune of Rs.1,79,395/-



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which was supposed to be credited to the bank's Auca BGL Account maintained at the branch. Investigation is still pending. Hence he objected to grant anticipatory bail to the petitioner. The learned Government Advocate appearing for the State, however, admitted that there is no any previous case pending against 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 charged against this petitioner, that the alleged occurrence took place between the period from 12.06.2021 to 28.04.2023 and the FIR was registered on 18.07.2023, but so far, no steps have been taken by the respondent police to secure the accused and also considering the fact that there is no previous case pending as against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following 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



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Judicial Magistrate Court No.I, Panruti 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on daily at 10.00 a.m. until further orders;

[b] the petitioner 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 him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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



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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 269 B.N.S.2023.

25.10.2024

mjs

To

- 1.The Judicial Magistrate Court No.I, Panruti
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Panruti Police Station, Cuddalore District.

P.DHANABAL,J
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