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CrI.O.P.No.25649 of 2023

CrI.O.P.No.25649 of 2023
and CrI.M.P.No.2628 of 2024

C.V.KARTHIKEYAN, J.

The petitioners/A1 to A4 seek anticipatory bail in Crime No.432 of 2023 registered by the respondent Police for the offences punishable under Section 380 of IPC, with respect to an occurrence took place on 28.07.2022.

2. All the petitioners are officers of the State Bank of India. It is stated that the defacto complainant had been entrusted with a Customer Service Point with responsibility to collect the money by M/s.Arreds Trust, which is an agency appointed by the State Bank of India as banking correspondent.

3. It is the specific case of the petitioners herein that the defacto complainant had collected money from various customers and had misappropriated them. In this connection, the learned counsel for the petitioners pointed out that the bank had directed action to be taken and had addressed letters on 20.01.2023, 12.04.2023 and again on 31.08.2023.



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4. It is the case of the defacto complainant however, that all the petitioners and bank officials had come over to his office under the guise of taking away the board of the State Bank of India but had actually entered into the office and had taken away a sum of Rs.3/- lakhs.

5. The learned counsel stated that the said amount had been retained for the marriage expenses of the daughter of the defaco complainant.

6. The learned counsel for the petitioners however disputed the allegations about taking away of money and stated that the entire operation had been videographed and the video recordings had also been submitted to the respondent.

7. The learned Government Advocate(Crl.Side) stated that the allegation is that these petitioners had entered into the office of the defacto complainant and taken away cash.



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8. The videographs have to be tested during the course of trial. The Court can never presume any fact from the same. But however it is seen, that there were earlier correspondences prior to the registration of FIR that action has to be taken against the defacto complainant.

9. Taking all the other factors into consideration this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate No.IV, Tirupur District**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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:



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[a] the petitioners 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 petitioners shall report before the respondent police once a week i.e., every Saturday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners 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 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 absconds, a fresh FIR can be



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registered under Section 229A IPC.

10. Consequently, connected miscellaneous petition is ordered.

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