



Crl.O.P.No.28722 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest in connection with Crime No.543 of 2024, registered for offences punishable under Sections 316(4), 318(4) & 351 of BNS, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the accused was working under him has misappropriated amounts to the tune of Rs.9,86,000/-, which was supposed to have been sent to Muthoot Micro Finance Limited office. Hence, the case.

3. Learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely robed in this case. He would submit that defacto complainant is supposed to deposit the amounts to Muthoot Micro Finance Limited, however, he had not deposited the amount, when the petitioner had questioned the same, he has given false complaint, as if, his employee had committed criminal



Crl.O.P.No.28722 of 2024

breach of trust and thereby petitioner was also implicated in this case. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police while opposing for the grant of anticipatory bail to the petitioner, would submit that there are two accused involved in this case and petitioner is arrayed as A-2. He would submit that A-1 worked as collection agent and misappropriated to the tune of Rs.9,85,666/- was arrested, subsequently released on bail. He would submit that, A-1 in his confession stated that the Bank Manager/A-2 is aware of the misappropriation and the misappropriated amounts is not recovered.

5. Heard the learned Counsel for the Petitioner, the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is



Crl.O.P.No.28722 of 2024

inclined to grant anticipatory bail to the petitioner with certain 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 **learned Judicial Magistrate, Sankarapuram, Kallakurichi District**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

A.D.JAGADISH CHANDIRA, J.



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Crl.O.P.No.28722 of 2024

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[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 Section 269 of B.N.S.

19.11.2024

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Crl.O.P.No.28722 of 2024