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CrI.O.P.No.28903 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 408, 409, 465, 468, 471, 477(A) and 34 of IPC in Crime No.3 of 2022, seeks anticipatory bail.

2.The entire issue surrounds misappropriation of amounts from the Central Co-operative Bank, Thiruvarur. The 1st accused was the Secretary and the 2nd accused was the Field Manager. The petitioner herein was the Internal Auditor. It is stated that the 1st accused had misappropriated a sum of Rs.1,14,00,000/-. Surcharge proceedings had also been also initiated and the 1st and 2nd accused had been found guilty of the charges.

3.The learned counsel for the petitioner stated that the petitioner had been exonerated from all charges.



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4.The case of the prosecution is that the petitioner had not discharged his duty as Internal Auditor and not forwarded the fact of misappropriation of the amount to the Deputy Registrar of Co-operatives.

5.Taking all these factors into consideration, particularly since there is no allegation of monetary misappropriation by the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner. **However, the petitioner must also file an affidavit before the learned Judicial Magistrate – II, Mannargudi, that he would co-operate with the investigation relating to misappropriation and the manner in which, A1 has misappropriated the amount from the Central Cooperative Bank, Thiruvarur.**

6.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 – II, Mannargudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the petitioner is also directed to disclose all facts relating to misappropriation of the amount and to co-operate with the investigation.

[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



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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 229A IPC.

02.01.2024

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