



CRL OP(MD). No.19026 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Sivaraja

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District.
(Crime No.234 of 2024.)

... Respondent/Complainant

For Petitioner : Mr.M.Chellapandian, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.234 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 465, 468, 471 IPC in Crime



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No.234 of 2024 on the file of the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner worked as a Branch Manager of a Private Financial Company at Soolakarai for the period from 01.07.2019 to 22.07.2024. The petitioner has to supervise and monitor the branch affairs along with the Relationship Manager. It is alleged that the petitioner misused his position and swindled a sum of Rs.3,82,000/-, as if, he has provided loan to 7 customers. For doing this, the petitioner has used the mobile numbers of his friends and the messages were sent to the account holders.

3.Taking into consideration of the facts and circumstances of the case and the nature of allegations made, this Court had directed the petitioner to attend enquiry and an order was passed on 05.11.2024, which is extracted hereunder:

“Considering the facts and circumstances of the case and also considering the earlier order passed in CrI.O.P.(MD). No. 17801 of 2024 dated 18.10.2024, there shall be a direction to the petitioner to appear before the respondent police on 12.11.2024 at 11.30 a.m. The enquiry shall be conducted and the petitioner shall cooperate for the enquiry by furnishing all the relevant documents before the respondent police.

2. The petitioner shall also appear for enquiry as and when



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required by the respondent police.

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3. In the mean time, the learned Government Advocate (Criminal Side) shall take instructions on the further course of action to be taken based on the enquiry to be conducted in this case. 4. Post this petition for hearing on 26.11.2024”

4. When the matter came up for hearing today, a status report has been filed by the respondent police. The respondent has stated that the petitioner has attended the inquiry and he has taken a stand that one Pathimuthu @ Fathima was the one, who was solely responsible for the entire misappropriation.

5. The learned Government Advocate (Crl.Side) submitted that there are totally two accused persons in this case and the petitioner is arrayed as A1 and the above said Pathimuthu @ Fathima has been arrayed as A2.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

7. Taking into consideration of the facts and circumstances of the case and considering the fact that the petitioner has attended the enquiry before the respondent police as directed by this Court and has given his statement and no further custodial integration may be required in this case, this Court is inclined to enlarge the petitioner on anticipatory bail.



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8. Accordingly, this criminal original petition is ordered and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Virudhunagar, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall report before the respondent police on every Monday and Friday at 10.30 a.m., until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

sd/-
26/11/2024

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/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

To

1.The Judicial Magistrate No.II,
Virudhunagar.



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2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VEERAPANDI SELVAAJ, Advocate (SR-14539[I] dated 26/11/2024
)

ORDER
IN

CRL OP(MD) No.19026 of 2024

Date :26/11/2024

ED/ VR /SAR- (03/12/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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