

**IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.**

Present: **Tmt.G.Vijaya, B.A., M.L., PGDCFS**
Principal District and Sessions Judge,
Ramanathapuram.

திருவள்ளூர் ஆண்டு **2053** தமிழ் சுபகிருது ஆண்டு ஐப்பசி மாதம் **21**ம் நாள் திங்கள்கிழமை
Monday, the 7th day of November 2022

CrI.M.P.No.3349/2022
(CNR No. TNRM-01-004598-2022)

Balakrishnan, (aged 55/2022),
S/o.Thiruthar.

...Petitioner/Accused No.5

/vs/

State, through the Inspector of Police,
CCIW CID P.S. Ramanathapuram
in Cr.No.Nil.

...Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of
Thiru.K.Anbuezhayan, Learned Counsel for the petitioner and the Learned Public
Prosecutor for the State and this Court passed the following:

ORDER

The petition has been filed by the petitioner under section **438 of Cr.P.C**
for seeking anticipatory bail.

2. The defacto complainant has given a complaint before the Superintendent of
police, Ramanathapuram for the offences under section 465, 468, 471 and 420 of
IPC against the petitioner.

3. Heard, the submission made by the learned counsel for the petitioner as well
as the learned Public Prosecutor.

4. The learned Counsel for the petitioner would submit that the defacto

complainant is the present Secretary of RDCC Bank, Sirukampaiyur. During the year 2016-2017 to 2019-2020 the petitioner was working as Secretary in the above said society, at the time the petitioner misappropriated a sum of Rs.1,76,243 and the same amount was paid on 22.10.2021 and 30.10.2021 and receipts are enclosed. After that the defacto complainant has given a false complaint before the society for the punishable offences under sections 465, 468, 471 and 420 of IPC against the petitioner to the concerned authorities. He would further submit that this Court has already granted interim bail on 18.10.2022 till 7.11.2022 to the petitioner and he is afraid that he may be harassed by the respondent police in the event of his arrest. Further he would submit that he has no previous case and he prays to enlarge the petitioner on anticipatory bail.

5. On the hand, the learned Public Prosecutor would submit that the complaint was given by the defacto complainant before the Superintendent of Police, Ramanathapuram and it is sent to the concerned authorities. FIR has not been registered till date. As per the oral submission of the Counsel for the petitioner, the petitioner has committed punishable offences U/s.465, 468, 471 and 420 of Indian Penal Code of which offences u/s 468 and 420 of IPC are non-bailable offences. Further the learned Counsel for the State submitted that though the petitioner has paid the misappropriate amount to the society, the FIR has not been registered till date and already this Court has granted interim bail on 18.10.2022 till 7.11.2022. If the petitioner is enlarged on anticipatory bail, he will abscond and he objected to

enlarge the petitioner on anticipatory bail.

6. Considering both side submissions, nature of offence and considering the submission of the receipts of the misappropriate amount paid to the above said society by the petitioner, this Court is inclined to enlarge the petitioner on anticipatory bail, this Court is of the considered view that he may be enlarged on anticipatory bail subject to the following conditions and the petitioner is directed to adhere to the following conditions imposed in 438(2) Cr.P.C during the investigation by the police.

i) The petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the arresting officer or the satisfaction of the **Judicial Magistrate No.I, Ramanathapuram within a period of 30 days.**

ii) The petitioner shall report before the **respondent police daily at 10.30 a.m. until further orders.**

iii) The petitioner shall not tamper with evidence or witness either during the investigation or trial

iv) The petitioner shall not abscond either during the investigation or trial.

7. 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 imposed have been imposed against the petitioner enlarged on anticipatory 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).

8. If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open Court this the 7th day of November 2022.

Principal District and Sessions Judge
Ramanathapuram.

Copy to
The Judicial Magistrate, No.I, Ramanathapuram
The Public Prosecutor, Ramanathapuram.
The Inspector of Police, CCIW CID P.S., Ramanathapuram.
The petitioner through his Counsel.