

CRL.O.P.No.25844 of 2015

S.VAIDYANATHAN, J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 409 and 420 IPC in Crime No.449 of 2015 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that the petitioner had worked as a Substitute for one Saraswathi as a Sub-Post Master at the Rajapalayam Branch Post Office during 19.01.2014 to 15.12.2014. The petitioner is alleged to have misappropriated the postal savings of customers during that period. Hence, a case had been registered.

3. The learned counsel for the petitioner submitted that the petitioner had remitted the amount to the respective customers account.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner/A1 has misappropriated the Recurring Deposit amount of the customers to the tune of Rs.45,340/-. The petitioner has repaid the entire amount.

5. Considering the facts and circumstances of the case and taking note of the fact that the entire amount has been repaid by the petitioner and receipts of the same has also been filed, this court feels that custodial interrogation of the petitioner may not be required at this stage. Therefore, this Court is inclined to grant anticipatory bail to the petitioner. 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 of receipt of a copy of this order, before the **Judicial Magistrate No.4, Salem**, on his executing 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 Magistrate concerned and on further conditions that:

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[a] the petitioner shall report before the respondent police once in a week for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the 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 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]**.

31.08.2016

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