



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

Monday, the Sixteenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.11762 of 2018

M.SELVENDRAN

... PETITIONER / ACCUSED NO 4

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI.

Crime NO. 23 of 2018

... RESPONDENT / COMPLAINANT

NALLAPERUMAL

...PETITIONER/INTERVENER

For Petitioner : Mr.N.MOHIDEEN BASHA Advocate

For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU
Govt. Advocate (Crl. Side)

FOR INTERVENER :Mr.M.VIJAI BOOMINATHAN

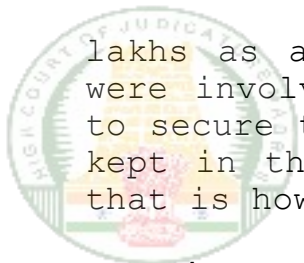
PETITION FOR BAIL Under Sec. 439 Cr.P.C

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 27.06.2018 for the offences punishable under Sections 120(b), 406, 420, 506(i) I.P.C in Crime No.23 of 2018 on the file of the respondent police. He seeks bail.

2.Heard the learned counsel for the petitioner, learned Government Advocate(Crl.Side) for the respondent and the learned counsel for the intervener.

3.The defacto complainant is the Nationalized Bank that gave financial assistance on the strength of the goods pledged by the borrowers. As per agreement, the pledged goods, which are 'raw cashew' as usual will have put in the safe custody. The one NCMSL (National Collateral Management Service Ltd.,) was responsible for ensuring their safe custody. But then, the huge number of cashew nut bags got replaced and the Bank has been put to enormous loss. This came to the light when the inspection was conducted by the bank officials. When A3 came to this Court seeking anticipatory bail, this Court directed the third accused to deposit a sum of Rs.36



lakhs as a condition and the same was agreed. Since public funds were involved, this Court will have to impose stringent conditions to secure the public funds. In this case the pledged goods had been kept in the warehouse that belongs to the husband of the borrower that is how the goods were replaced with charred shells.

4. In this case, the petitioner is the fourth accused. He is only an employee of NCMSL. Hence, the continued incarceration of the petitioner will not be going to serve any purpose. Taking into account of the facts and circumstances, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) 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 learned Judicial Magistrate No.I,Theni.

(ii)the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii)the petitioner shall not abscond.

(iv)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]**.

sd/-
16/07/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE NO.I,THENI.THENI DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3.THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI.

4.THE SUPERINTENDENT,CENTRAL PRISON,MADURAI.



5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr. N. MOHIDEEN BASHA Advocate SR.No.13078

ORDER

IN

CRL OP (MD) No.11762 of 2018

Date : 16/07/2018

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TK/VR-MMS/ASVM/13.07.2018/3P-7C