



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

Monday, the First day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4874 of 2019

K.SHAJIKUMAR

... PETITIONER/ACCUSED

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT AT NAGERCOIL.
CRIME NO.36 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.R.SREENIVASAN, Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

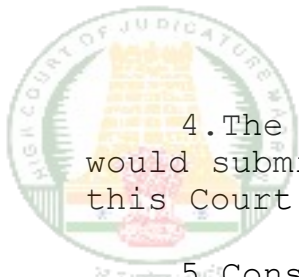
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who has surrendered on 08.03.2019 and remanded to judicial custody for the offences under Sections 403,409,477(A) and 420 of IPC,in Cr.No.36 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is working as Assistant Branch Manager in Gokulam Chit Fund and he misappropriated a sum of Rs.21,45,100/- for which a complaint has been given by the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner was already granted anticipatory bail by this Court on condition to deposit Rs.6,00,000/- to the credit in crime number without prejudice to his rights and defence. However the petitioner suffering heavy financial crisis due to which he did not deposit the said amount, he voluntarily surrendered before the respondent police. He would also submit that now the petitioner is ready to deposit Rs.2,00,000/- to the credit in crime number without prejudice to his rights and defence and he prayed for bail to the petitioner.



4.The learned Additional Public Prosecutor on instructions would submit that if the petitioner is ready to deposit some amount, this Court may pass orders.

5.Considering the nature of the case and considering the period of incarceration and also considering the fact that the petitioner is ready to deposit Rs.2,00,000/- to the credit in crime number I am inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District and on further condition that:

(a)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 deposit a sum of Rs.2,00,000/- to the credit in Crime number 36 of 2018, without prejudice to his rights and defence before the Judicial Magistrate No.I, Nagercoil, Kanyakumari District

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/04/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT AT NAGERCOIL.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL

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

+1. CC to M/S.M.R.SREENIVASAN, Advocate SR.No.5914

ORDER

IN

CRL OP(MD) No.4874 of 2019

Date :01/04/2019

AAV

PK/PN/SAR-3/01.04.2019 : 3P/7C