



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

Tuesday, the Twenty Sixth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2957 of 2019

G.KAMARAJ

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
CCIW CID, KARUR,
KARUR DISTRICT.
CRIME NO.1/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.SUBBARAJ 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 :-

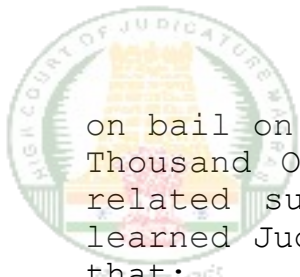
The petitioner who was arrested on 07.02.2019 for the offences under Sections 406,408,477(A) r/w.120(B) of IPC ,in Cr.No.1 of 2019, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner is working as a temporary clerk and he has misappropriated a sum of Rs.15,600/-, for which 81 enquiry was conducted and it is revealed that the petitioner had paid a sum of Rs. 46,756/- along with interest. Thereby complaint was given before the CCIW CID and a case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner has paid the entire amount on 25.02.2019 and hence, he would pray for bail to the petitioner.

4.The learned Additional Public Prosecutor on instructions would submit that the petitioner had paid the amount of Rs.46756/- on 25.02.2019 to the society vide bill No.004085. He would further submit that investigation is pending.

5.Considering the nature of the case and considering the period of incarceration and also considering the fact that the entire amount has been paid , 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, Kulithalai 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 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/-

26/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KULITHALAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
- 3 THE INSPECTOR OF POLICE,
CCIW CID, KARUR, KARUR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB-JAIL, KULITHALAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.SUBBARAJ, Advocate (SR-3787[I] dated 26/02/2019)

ORDER

IN

CRL OP(MD) No.2957 of 2019

Date : 26/02/2019