



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/07/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.6977 of 2020

O.Murugan

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Aundipatti Police Station,
Theni District
Cr No.142/2002.

... Respondent/Complainant

For Petitioner : M/s.C.Susi Kumar,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.142 of 2002 on the file of the respondent police.

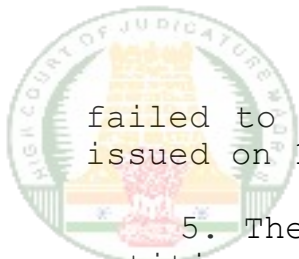
ORDER : The Court made the following order :-

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

2. The petitioner herein is the sole accused in C.C.No.73 of 2004 on the file of the learned Judicial Magistrate, Aundipatti for the alleged offence punishable under Sections 408,420 and 468 of IPC.

3. The case of the prosecution is that the petitioner while working a Panchyat Clerk has misappropriated a sum of Rs.50,000/- by fabricating the cheque of the panchayat.

<https://hcservices.courts.gov.in/tcse-Case> Course of trial the petitioner has jumped bail and



failed to participate in the trial Hence Non Bailable Warrant was issued on 17.10.2019 and the same was executed on 27.02.2020.

5. The learned counsel for the petitioner would submit that the petitioner was regularly attending the Court for the past 15 years. Since he failed to attend the Court on 17.02.2019 Non Bailable Warrant was issued and the same was later executed. The petitioner is in prison for the past 120 days. Further, the sister of the petitioner has deposited a sum of Rs.50,000/- which is alleged to have misappropriated by the petitioner, in the crime number on 23.06.2020 in receipt No.26863 and assures that the petitioner herein will regularly attend the Court.

6. Taking note of the above facts and circumstances and also the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner by imposing conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Theni;

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall herein after attend the trial court regularly on all hearing dates and co-operate for early disposal of the case

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

[d] the petitioner shall not tamper with evidence or witness 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/07/2020

/ TRUE COPY /

/ /2020

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 -DO- THRO
THE CHIEF JUDICIALMAGISTRATE,
THENI DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT JAIL,
THENI.

4 THE INSPECTOR OF POLICE
AUNDIPATTI POLICE STATION,
THENI DISTRICT

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

ORDER
IN
CRL OP (MD) No.6977 of 2020
Date :03/07/2020

PD/VR/SAR 3/02.07.2020/3P/6C