



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7643 of 2020

Vadivel

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
Crime No.38 of 2020.

... Respondent/Complainant

For Petitioner : M/s.A.Arputharaj,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

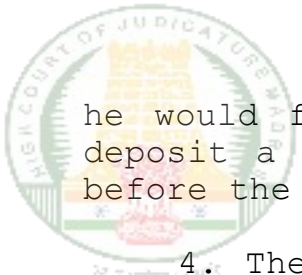
For Bail in Cr.No.38 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 12.06.2020 for the alleged offences under Sections 409,420,109 of IPC.

2. The petitioner herein is arrayed as A2. The case of the prosecution is that A1 in this case was engaged by the defacto complainant to collect rent from the tenants and A1 is said to have collected rent through cheques from the tenants and deposited the cheque by creating forged accounts in the name of petitioner along with other accused persons, who were working in the school and withdrawn the amount. Hence the complaint.

3. The learned counsel for the petitioner would submit that the occurrence is said to have taken place from the year 2013-2020 and he never indulged in any misappropriation. However, on instructions,
<https://hservices.ecourts.gov.in/hservices/>



he would further submit that the petitioner will voluntarily to deposit a sum of Rs. 1,00,000/- without prejudice to his defence before the trial court in the crime account.

4. The learned Government Advocate(Crl.Side) would submit that the Al was entrusted to collect the rent from the tenants and infact Al has collected rent through cheques and deposited the same in the name of the petitioner and others working the said school and withdraw the said amount.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the occurrence is said to have taken place in the year 2013-2020 and the complaint has been given on 12.06.2020 and also taking into fact the period of incarceration and also taking note of the fact that the petitioner is ready and willing to deposit Rs.1,00,000/- before the trial Court in the crime account , this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 No.II, Ramanathapuram Ramanathapuram District

i) the petitioner is directed to deposit a sum of Rs.1,00,000/- to the credit of Crime No.38 of 2020 before the Judicial Magistrate No.II, Ramanathapuram , Ramanathapuram District without prejudice to his defence and only on such deposit the learned Magistrate shall accept the sureties.

ii)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

iii) the petitioner shall report before the respondent police on every Monday at 10.30 a.m until further orders.

iv)the petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond during trial.

vi)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].



vii) If the petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/07/2020

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/ /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 NO 2,
RAMANATHAPURAM.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
- 4.THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7643 of 2020
Date :28/07/2020

aav
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