



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

Date : 01/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.458 of 2021

Manimozhi

... Petitioner/ A2

Vs

State Rep.by
The Inspector of Police,
DCB Police Station,
Thanjavur District.
Crime No.21 of 2020.

... Respondent/Complainant

For Petitioner : Mr.J.John Raja Durai,
Advocate.
For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

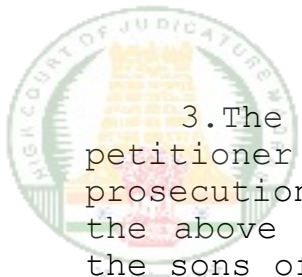
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No. 21/2020 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 11.12.2020 for the offences punishable under Sections 409, 465, 466, 467, 468, 471, 477A & 420 IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that while the first accused was working as a Head Clerk in the Motor Accident Claims Tribunal, Pattukkottai, Thanjavur District from 26.12.2018 to 25.10.2019, he misappropriated the amount to the tune of Rs.1,09,55,123/- by fabricating the cheques and also signature of the Presiding Officer. Further it is alleged that the first accused, while disbursing the amount to the client, had fabricated the cheques and also obtained signature from the Presiding Officer and transferred the entire amount to his Bank account. From the crime proceeds, all the family members of the first accused purchased several properties and Car and spent the money for getting job for the third accused. Hence the complaint.



3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. She being the wife of A1 has been falsely implicated in the above said crime. He would also submit that A2 and A3 who are the sons of the first accused were granted anticipatory bail by this Court on 17.12.2020 in Crl.O.P(MD) No. 15063 of 2020. He would also submit that the petitioner is a Senior citizen suffering from blood pressure and sugar and retired from BSNL and she constructed her house by her own retirement benefits and not as alleged by the prosecution.

4. The learned Government Advocate(Crl.Side) would submit that there are totally four accused in this case and the petitioner herein is arrayed as A2. When the first accused was working in the Motor Accident Claims Tribunal, Pattukkottai, Thanjavur District, misappropriated to the tune of Rs.1,09,55,123/- by fabricating the cheques and also signature of the Presiding Officer. From the crime proceeds, all the family members purchased several properties and Car and spent money for getting job for the third accused. He further submitted that A1 and A4 were arrested and remanded to judicial custody. He would also submit that A2 and A3 who are the sons of the first accused were granted anticipatory bail by this Court on 17.12.2020 in Crl.O.P(MD) No. 15063 of 2020 and A1 is still in judicial custody.

5. It is seen that there are totally four accused, in which the petitioner is arrayed as A2. Admittedly the first accused was working as a Head Clerk in the Motor Accident Claims Tribunal, Pattukkottai, Thanjavur District from 26.12.2018 to 25.10.2019. He misappropriated the amount to the tune of Rs.1,09,55,123/- by fabricating the cheques and also signature of the Presiding Officer. So far no recovery is made from A1. The petitioner is the wife of A1. The petitioner was employed in BSNL and she had independent income. Only one house property is in the name of the petitioner. This property attachment proceedings have been initiated.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that A1 is the main accused in this case, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on her executing 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, Pattukottai

i) 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



ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

iv) the petitioner shall not abscond during trial.

v) 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].

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

sd/-

01/02/2021

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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, PATTUKOTTAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE OFFICER INCHARGE, WOMEN JAIL, TRICHY.
 4. THE INSPECTOR OF POLICE,
DCB POLICE STATION, THANJAVUR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1CC TO Mr.M.S.JEYAKARTHIK, Advocate, Sr No.624

ORDER IN

CRL OP(MD) No.458 of 2021

Date :01/02/2021

AAV

<https://hdcvcs.ecourts.gov.in/Services/MS/VS/69A/2021/3P.7C>