



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

Date : 29/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1042 of 2021

1. Sivaraj
2. A.Rani

...Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
CCIW Police Station,
Thanjavur District.
Crime No.2 of 2020.

... Respondent/Complainant

For Petitioners : Mr.M.R.R.Sivasubramanian, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail Crime No.2 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein who were arrested and remanded to judicial custody on 22.12.2020 for the alleged offence under Sections 408,409,471 and 477(A) of IPC, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused who were working in the Co-operative societies said to have misappropriated a sum of 41,37,579/- during the period from 01.04.2017 to 14.05.2018 by creating documents as if medicines have been purchased and caused loss to the society. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He would also submit that the first petitioner has remitted a sum of Rs.1,55,226 and the second petitioner has remitted a sum of Rs.1,55,226/- to the society. He would also submit that each of the the petitioners are ready and willing to deposit a sum of Rs.1,55,226/- to the society without prejudice to their defence



before the trial Court. He would also submit that the petitioners are in jail for more than 40 days, hence they may be granted bail.

4.The learned Government Advocate(Crl.Side) appearing for the State would submit that petitioners along with other accused who were working in the Co-operative societies said to have misappropriated a sum of 41,37,579/- during the period from 01.04.2017 to 14.05.2018 by creating documents as if medicines have been purchased and has also paid part amount to the society.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the petitioners have paid part of the amount to the society and now ready and willing to deposit the balance amount, hence this Court is inclined to grant bail to the petitioners by imposing conditions.

6.Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

[a] each of the petitioners shall deposit a sum of Rs.1,58,542/-(Rupees One Lakh Fifty Eight thousand Five Hundred and Forty Two only) to the society without prejudice to their defence before the trial Court. The petitioners shall produce the proof of remittance /submission of the said amount to the learned Magistrate while executing sureties.

[b] On acknowledgment of the same by the Society the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thanjavur

[c] 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;

[d] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[e]the petitioners shall not abscond either during investigation or trial.

[f]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions



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].

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

WEB COPY

sd/-
29/01/2021

/ TRUE COPY /

/ /2021
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.I, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
CCIW POLICE STATION, THANJAVUR DISTRICT.
4. THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1042 of 2021
Date :29/01/2021

AAV
MS/VR/SAR-1/29.01.2021/3P.6C