



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1142 of 2021

D.Jenoris ... Petitioner/Accused No.2
Vs

State Rep. by
The Inspector of Police,
District Crime Branch (DCB),
Thoothukudi.
Crime No.18 of 2020.

... Respondent/Complainant

For Petitioner : Mr.Anbarasu.S.R, Advocate.

For Respondent : Mr.R.Srinivasan, Government Advocate (Crl.Side)

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

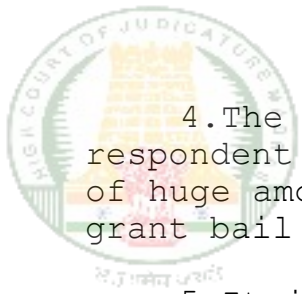
PRAYER :- For Bail Crime No.18 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 17.12.2020 for the offences punishable under Sections 406, 408, 409, 420, 477(A), 381, 120(B) and 34 IPC in Crime No.18 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were employees of TASMAL and they said to have misappropriated a sum of Rs.1,74,95,810/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was initially appointed as Bar Supervisor in the year 2004 and thereafter, he has been employed as Supervisor. He would also submit that the petitioner was not entrusted with the work of receipt of cash and accounting and the petitioner's wife is a mentally challenged person and she is taking treatment in Sneha Mind Care Institute, Tirunelveli and hence, he has to take care of his minor children. The medical records of the petitioner's wife produced. He would also submit that A1 in this case was granted bail with a condition to deposit a title deed for the value of Rs.60 Lakhs. Petitioner also similarly placed person and hence, he seeks bail to the petitioner and he also ready and willing to furnish title deed.



4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that it is a case of misappropriation of huge amount and investigation is pending and hence, he opposed to grant bail to the petitioner.

5.It is seen that the petitioner's wife is undergoing treatment and the presence of the petitioner is necessary and the petitioner is ready and willing to deposit title deed.

6.In view of the same, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7 Accordingly, the petitioner shall deposit the title deed stands in the name of the petitioner or his relatives or his friends, not less than the value of Rs.50,00,000/- (Rupees Fifty Lakhs only) with the proper valuation certificate issued by the authorities concerned to the credit of Crime No.18 of 2020 on the file of the learned Judicial Magistrate Court No.4, Thoothukudi and on such deposit, the petitioner is ordered to be released on bail on their 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 Judicial Magistrate Court No.4, Thoothukudi.

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 identity

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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/01/2021

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE NO.4,
THOOTHUKUDI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
THOOTHUKUDI.
 - 4 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI,
TIRUNELVELI-2.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1142 of 2021
Date :27/01/2021

gns
JM/VR/SAR III/27.01.2021/3P/6C