



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Nineteenth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP(MD) Nos.1354 and 1356 of 2021

IN

CRL OP(MD) Nos.1122 and 1142 of 2021

T.SAKTHIVEL MURUGAN

... PETITIONER/PETITIONER
IN CRL MP(MD)No.1354 OF 2021
IN CRL OP(MD)No.1122 OF 2021

D.JENORIS

... PETITIONER/PETITIONER
IN CRL MP(MD)No.1356 OF 2021
IN CRL OP(MD)No.1142 OF 2021

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH(DCB)
THOOTHUKUDI.
CRIME NO.18 of 2020.

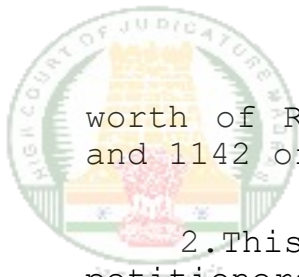
... RESPONDENT/RESPONDENT
IN BOTH PETITIONS

**COMMON PRAYER IN CRL MP(MD) Nos.1354 and 1356 of 2021 IN
CRL OP(MD) Nos.1122 and 1142 of 2021:**

To Modify the condition regarding production of Valuation certificate worth of Rs. 50 Lakhs imposed by this Honourable Court in Crl.O.P.(MD) Nos.1122 & 1142 of 2021 dated 27.01.2021 respectively, on the file of this Honourable Court by showing leniency.

Order :These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.S.R.ANBARASU, Advocate for the petitioner in both the Petitions and of Mr.M.V.CHANDRASEKARAN, Government Advocate (Crl.Side)on behalf of the Respondent in both the Petitions, the Court made the following order:-

These Criminal Miscellaneous Petitions have been filed to modify the conditions regarding production of valuation certificate
<https://hcservices.ecourts.gov.in/hcservices/>



worth of Rs.50 lakhs imposed by this Court in Crl.O.P.(MD)Nos.1122 and 1142 of 2021, dated 27.01.2021.

2.This Court by an order, dated 27.01.2021 granted bail to the petitioners with a condition to deposit the title deed stands in the name of the petitioners or their relatives or 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.IV, Thoothukudi and on such deposit, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties.

3.The learned counsel appearing for the petitioners submitted that the petitioners are unable to produce sureties before the learned Magistrate and they are still in jail. He further submitted that A2's wife is a mentally challenged person and she is taking treatment. With regard to A3, his wife is under IVF treatment in Maaruthi Medical Centre and Hospitals, Erode and she is supposed to undergo a minor surgical procedure. He further relied upon the order of the Honourable Apex Court in S.L.P.(Crl.).No.10484 of 2019 in Crl.A.No.53 of 2021, dated 19.01.2021, wherein, it has been held that while granting bail or anticipatory bail, the criminal Court is not expected to act as a recovery agent to realise the dues of the complaint , and that too, without any trial. Hence he seeks modification.

4.Considering the facts and circumstances of the case and also considering the materials available on records, it is seen that the petitioners were employee of TASMACH shop, which is a Government owned company and they are conspired together and made false entries and false accounts and misappropriated a sum of Rs.1,74,95,810/- . During the period in the year 2019-20, the District Manager of TASMACH shops inspected the above shop and stocks, it came to light that the petitioners have misappropriated and cheated the Public money. After conducting a detailed enquiry, an FIR came to be registered and prima facie it is found that the petitioners had played active role causing cheating and misappropriating of the Government money. Further, the citation referred to by the petitioner pertains to case under cheating wherein, the complainant is a private person and in this case, the defacto complainant is a District Manager of TASMACH Shop, which is a Government Public Sector.

5.In view of the same, the facts of the case referred to by the petitioners are not similarly placed in this case and the this Court is not inclined to modify the condition.



6.Hence, these criminal miscellaneous petitions are dismissed. However, it is made clear that in this case the finding of this Court would not way affect the statutory right of the petitioners, if they are otherwise entitled.

WEB COPY

sd/-
19/02/2021

/ 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.IV,
THOOTHUKUDI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB)
THOOTHUKUDI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP (MD) Nos.1354 and 1356 of 2021
IN
CRL OP (MD) Nos.1122 and 1142 of 2021
Date :19/02/2021

VSG
PK/SMA/SAR-I/01.03.2021 : 3P/5C