



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/05/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD).No.7033 of 2021

R.Durgaiyandi

... Petitioner/Petitioner/A1

Vs

State through
The Sub Inspector of Police,
District Crime Branch,
Virudhunagar District.
Crime No. 5/2021.

... Respondent/Respondent/ Complainant

For Petitioner : Mr.V.Muthukamatchi,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.5 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 10.03.2021 for the offences punishable under Sections 406, 420, 465, 467, 468 and 471 of IPC in Crime No.5 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the petitioner was working as a Team Leader for sales in ABT Maruthi Company in Srivilliputhur, colluding with the second accused, he received money from the customers, did not deposit in the company's account, created forged receipts, had given them to the customers and misappropriated the company's amount to the tune of Rs.43,42,400/-. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is in judicial custody from 10.03.2021 and hence, he may be granted bail.

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4.The learned Government Advocate(Crl.Side) would submit that the respondent police recovered only Rupees Three Lakhs from the petitioner and the investigation in this case is pending and the second accused is yet to be secured.

5.Considering the above facts and circumstances of the case, considering the period of incarceration for 79 days, and the fact that though the second accused is yet to be secured, the investigation might have been completed by this time and also considering the urgent need and necessity to ensure social distancing and thereby, to reduce the scope of infection, it is essential that the prisons are de-congested as much as possible. Keeping this in view, this Court is inclined to release the petitioner on bail, subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute 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 No.II, Virudhunagar.

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 as and when required;

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]; and



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

sd/-
27/05/2021

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/ /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.II,
VIRUDHUNAGAR.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7033 of 2021
Date : 27/05/2021

SM
AE/AKM/SAR-III/27.05.2021/3P/6C