



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

Date : 23.12.2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.20491 of 2021

WEB COPY

Danieldurairaj

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
District Crime Branch Police Station,
Tenkasi District.
(Crime No.1 of 2021)

... Respondent/Complainant

For Petitioner : Mr.C.SUSI KUMAR
Advocate.

For Respondent : Mr.RMS.SETHURAMAN
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 02.11.2021 for the offence punishable under Section 409 IPC in Crime No.1 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 Head Clerk in Alangulam Judicial Magistrate Court, he defrauded a sum of Rs.5,07,500/- during the year 2016-2021. Later, it was found by the de-facto complainant, who is the present Head Clerk of the said Court. Hence, this complaint.

3.The earlier bail application filed by the petitioner was dismissed as withdrawn by this Court, vide order dated 03.12.2021 in CrI.O.P. (MD)No.18596 of 2021.

4.The learned counsel for the petitioner would submit that the petitioner had already paid Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) even before the registration of FIR and though the petitioner was willing to deposit the remaining amount, the Inspector of Police, Alangulam Police Station has refused to receive



the same. On the other hand, it has been shown that the balance amount has been recovered from him. He would further submit that he is not having any bad antecedents and that he is now under suspension.

5.The learned Additional Public Prosecutor would submit that the amount involved has been recovered and that investigation is also completed.

6.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 02.11.2021 and that the amount alleged to have been misappropriated has been fully recovered from him, 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 his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tirunelveli.

(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., for a period of one month and thereafter, as and when required for interrogation.

(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/-

23/12/2021

/ TRUE COPY /

27/12/2021

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

- 1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.
- 2 DO THORUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
TENKASI DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON,
PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

**ORDER
IN**

CRL OP(MD) No.20491 of 2021
Date :23/12/2021

SA/PN/SAR.4/27.12.2021/3P/6C