



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

Date : 19/01/2022

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.62 of 2022

Raja ... Petitioner/sole Accused

Vs

State Rep.by
The Inspector of Police,
CCIW CID,
Ramanathapuram District.
(Crime No.7 of 2021).

... Respondent/Complainant

For Petitioner : Mr.M.S.Senthilkumar,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.7 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 24.11.2021 for the offence punishable under Sections 408, 409, 420, 465, 468, 471, 477(A) IPC, in Crime No.7 of 2021, on the file of the respondent police, seeks bail.

2.The petitioner herein is the Secretary incharge of the Ramanathapuram District Revenue Department Co-operative Society. The case of the prosecution is that the petitioner said to have collected a sum of Rs.33,08,362/- from 11 members of the society and failed to repay the same. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has not committed any offence as alleged by the prosecution, but, a false case has been foisted as against him.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that this is second bail application. The petitioner's earlier application was dismissed by this Court on



the ground that the investigation is pending and also the amount involved is very huge. Hence, he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the fact that the petitioner is in judicial custody from 24.11.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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.1, Ramanathapuram District, and on further conditions that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five lakhs only) to the credit of Cr.No.7 of 2021 on the file of the learned Judicial Magistrate No.1, Ramanathapuram. The petitioner shall execute the sureties on showing the receipt of the said amount.

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of 30 days and thereafter as and when required.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

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

sd/-
19/01/2022

/ TRUE COPY /

/ /2022
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.1,
RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
CCIW CID,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.62 of 2022
Date :19/01/2022

VSD
MS/JC/SAR-2/19.01.2022/3P.6C