



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.02.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) . Nos.2874 & 3310 of 2022

Rani	... Petitioner/Accused No.6 in Crl.O.P.(MD)No.2874 of 2022
Jamal Anish Fathima	... Petitioner/Accused No.7 in Crl.O.P.(MD)No.3310 of 2022
Vs	

State represented by
The Inspector of Police,
DCB, Virudhunagar,
Virudhunagar District.
(Crime No.21 of 2021)

... Respondent/Complainant
in all Crl.OP's

IN ALL CRL.OP'S

For Petitioners : Mr.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates
For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

COMMON PRAYER :

For Bail in Crime No.21 of 2021 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A.6 & A.7, who were arrested and remanded to judicial custody on 03.01.2022 and 26.01.2022 respectively for the offences punishable under Sections 120(b), 408 and 420 IPC, in Crime No.21 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the first accused, who is the retired Head Clerk of Additional District Court, Virudhunagar, had indulged in some misappropriations to the tune of Rs.28,10,000/- and he transferred the said amounts from the accounts of Motor Claim



Original Petition Cases (MCOP Cases) to the other accused accounts. Hence, the complaint.

3.The learned Senior counsel for the petitioners would submit that the first accused had misused the petitioners' accounts and that he had transferred the alleged amounts to the petitioners' accounts and thereafter, received back the said amount from the petitioners.

4.When the matter was taken up for hearing on 10.02.2022, this Court, on considering the submission made by the learned Senior counsel for the petitioners that the petitioners are ready to deposit the amount before the concerned Court, has directed the petitioners to deposit the said amount before the Additional District Court, Virudhunagar.

5.In pursuance of the said order, the sixth accused has deposited a sum of Rs.4,42,624/- and the seventh accused has deposited a sum of Rs.1,74,467/- and produced the challans for depositing the same.

6.The learned Additional District Judge, Virudhunagar, has submitted a report with regard to the sixth accused that she had deposited a sum of Rs.4,42,624/- from her account and the same was credited in Additional District Court (MACT), Virudhunagar, bank account.

7.The learned Additional Public Prosecutor would submit that the main accused is still in judicial custody.

8.Considering the nature of charges levelled against the petitioners and also the facts that they had deposited the amount, which were, credited in their account by the first accused, that the petitioners are not having any bad antecedents and that the petitioners /A.6 & A.7 are in judicial custody from 03.01.2022 and 26.01.2022 respectively, this Court is inclined to grant bail to the petitioners subject to the following conditions:

9.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court 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 petitioners shall report before the respondent police station, until further orders;



(iii)the petitioners shall not tamper with evidence or witness;

(iv)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/02/2022

/ TRUE COPY /

17/02/2022

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.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
DCB, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, NILAKOTTAI.

+2 CC to M/s.AJMAL ASSOCIATES,Advocate (SR-1244, SR-1245 dated 17/02/2022)

ORDER IN

CRL OP(MD). Nos.2874 & 3310 of 2022

Date :17/02/2022

RS/PN/SAR.3(17.02.2022) 3P-7C

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