



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24.02.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3469 of 2022

J.Ruban Raj

... Petitioner/Accused No.8

Vs

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

... Respondent/Complainant

For Petitioner : Mr.KARTHIK RAJA.D.
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR
Additional Public Prosecutor

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

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

ORDER : The Court made the following order :-

The petitioner/A8, who was arrested and remanded to judicial custody on 01.02.2022 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, seeks 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 counsel appearing for the petitioner would submit that the first accused had misused the petitioner's account and that he had transferred the alleged amounts to the petitioner's account and thereafter, received back the said amount from the petitioner.

4.When the matter was taken up for hearing on 18.02.2022, this Court, on considering the submission made by the learned counsel for the petitioner that the petitioner is ready to deposit the amount before the concerned Court, has directed the petitioner to deposit the said amount before the Additional District Court, Virudhunagar.



5.In pursuance of the said order, the petitioner/A8 has deposited a sum of Rs.13,27,243/- and produced the challan for depositing the same.

6.The learned Additional District Judge, Virudhunagar, has submitted a report with regard to the petitioner/A8 that he had deposited a sum of Rs.13,27,243/- from his 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 petitioner and also the facts that he had deposited the amount, which was, credited in his account by the first accused, that the petitioner is not having any bad antecedents and that the petitioner/A8 is in judicial custody from 11.02.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

9.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 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 petitioners 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/-

24/02/2022

/ TRUE COPY /

24/02/2022

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.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE
DISTRICT PRISON, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE ADDITIONAL DISTRICT JUDGE
VIRUDHUNAGAR DISTRICT.

+2. CC to M/S.KARTHIK RAJA.D, Advocate SR.No.1447

ORDER

IN

CRL OP(MD) No.3469 of 2022

Date :24/02/2022

SA/PN/SAR.4/24.02.2022/3P/9C