



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

Date : 24/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5409 of 2022

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Bilal Mansoor

... Petitioner/Accused
Rank Not Known

Vs

The State Rep. By,
The Inspector of Police,
DCB, Virudhunagar,
Virudhunagar District.
(Cr.No.21/2021).

... Respondent/Complainant

For Petitioner : M/s.Ajmalkhan, Senior Counsel
for M/s.Ajmal Associates,

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

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

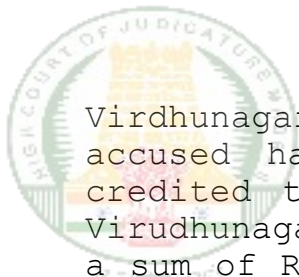
ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 03.03.2022 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 petitioner and other accused. Hence, the complaint.

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

4.The learned Senior Counsel would further submit that A6 and A7 were already granted bail by this Court in Crl.O.P.(MD)Nos.2874 and 3310 of 2022, dated 17.02.2022. He would further submit A6 has already deposited a sum of Rs.4,42,624/- before the Additional District Judge, Virudhunagar and the Additional District Judge,



Virudhunagar has also submitted a report stating that the sixth accused had deposited a sum of Rs.4,42,624/- and the same was credited to the account of the Additional District Court (MACT), Virudhunagar. He would further submit that A7 has already deposited a sum of Rs.1,74,467/- and produced the challans for depositing the same.

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5.The learned Additional Public Prosecutor would submit that the balance amount of Rs.4,76,786/- is still due, that the petitioner is the son of A1 and that A1 had misappropriated a sum Rs.28,10,000/-.

6.At this juncture, the learned Senior Counsel for the petitioner would submit that the petitioner undertakes to deposit the remaining amount of Rs.4,76,786/- before the concerned Court.

7.Considering the above facts and circumstances and also considering the nature of charges levelled against the present petitioner and also taking note of the undertaking given by the learned Senior Counsel on behalf of the petitioner for depositing the balance amount before the concerned Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is directed to deposit a sum of Rs.4,76,786/- (Rupees Four Lakhs Seventy Six Thousand and Seven Hundred and Eighty Six only) before the Additional District Court, Virudhunagar District, within a period of two weeks, for this purpose, he is directed to approach the Additional District Court, Virudhunagar, get the M.C.O.P., account particulars of that Court and deposit the said amount and produce the proof before the Jurisdictional Magistrate Court, without prejudice to his rights and contentions.

9.On production of receipt of such acknowledgment, the petitioner is ordered to be released on bail on condition that the petitioner shall execute 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, and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)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.

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;



(d)the petitioner shall not abscond either during investigation or trial;

(e)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;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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24/03/2022

Sub-Assistant Registrar (C.S-I)
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 INSPECTOR OF POLICE,
DCB, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT,
4. THE OFFICER-INCHARGE,
SUB JAIL, SRIVILLIPUTHUR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE ADDITIONAL DISTRICT JUDGE,
VIRUDHUNAGAR DISTRICT.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-2444[I] dated 24/03/2022

ORDER

IN

CRL OP(MD) No.5409 of 2022

Date :24/03/2022

sjj

<https://hccs.cer.in/Service/Download/2022/3P/8C>