



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

Date : 04/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5549 of 2022

WEB COPY

P.Prabu

... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police,
CCB - Police Station,
Trichy.
(Crime No.26 of 2021).

... Respondent/Complainant

For Petitioner : Mr.P.Sivachandran,
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 connection with the case in C.C.No.68 of 2022 before the learned Judicial Magistrate No.1, Tiruchirappalli, in Crime No.26 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.1 is facing a case for the offences punishable under Sections 409, 465, 468, 471 and 477(A), in C.C.No.68 of 2022, on the file of the learned Judicial Magistrate No.1, Tiruchirappalli, in Crime No.26 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, who is working as Junior Assistant in Mobile Court at Tiruchirappalli, had misappropriated the fine amount of Rs.1,90,700/- collected in various cases. Hence, the complaint.

3.The learned Additional Public Prosecutor would submit that investigation has already been completed and charge sheet has been filed and the case was taken on file in C.C.No.68 of 2022. He would further submit that charges were framed and the case is pending for trial.

4.When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that the petitioner undertakes to repay the alleged misappropriation amount and filed an undertaking affidavit sworn by the petitioner, wherein, the



petitioner has given specific undertaking to deposit the entire amount of Rs.1,90,700/- to the credit of C.C.No.68 of 2022 on the file of the learned Judicial Magistrate No.1, Trichy.

5.Considering the above facts and also the facts that the petitioner is in judicial custody from 30.11.2021 and that charge sheet has been filed and the case is pending for trial before the Judicial Magistrate and also taking note of the undertaking affidavit, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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.1, Tiruchirapalli.

(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 deposit a sum of **Rs.1,90,700/- (Rupees One Lakh Ninety Thousand and Seven Hundred Only)** to the credit of C.C.No.68 of 2022 before the learned Judicial Magistrate No.1, Trichy, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his rights and contentions, failing which, the bail granted to the petitioner shall stand automatically cancelled;

(iii)the petitioner shall report before the trial Court at 10.30 a.m., on all working days until further orders;

(iv)the petitioner shall not tamper with evidence or witness;

(v)the petitioner shall not abscond during trial;

(vi)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]***.

(vii)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/04/2022

/ TRUE COPY /

/04/2022

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.I,
TIRUCHIRAPALLI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPALLI.
 - 3 THE INSPECTOR OF POLICE
CCB POLICE STATION,
TRICHY.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC to MR.P.SIVACHANDRAN, Advocate (SR-2967 dated 05/04/2022)

ORDER
IN
CRL OP(MD) No.5549 of 2022
Date :04/04/2022

RS/PN/SAR.4(04.04.2022) 3P-7C