



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

Date : 05/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6259 of 2022

Shanmugapandi

... Petitioner/1st Accused

Vs

The State Rep. B,
The Inspector of Police,
Kadaladi Police Station,
Ramanthapuram District.
Crime. No. 146 of 2019.

... Respondent/Complainant

For Petitioner : M/s.Dhanasekaran P,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 146 of 2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1 herein, who was arrested on 10.02.2021 for the alleged offence under Sections 406, 409, 420 and 120(B) IPC, in Crime No.146 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was working as Appraiser in the Indian Overseas Bank at Kadaladi. On 19.12.2019, during the course of investigation, some spurious jewels were detected in the jewel packets. On the basis of the complaint given by the Branch Manager, Indian Overseas Bank, Kadaladi, enquiry was undertaken. During the course of enquiry, it was found that the petitioner has swindled a sum of Rs.81,46,130/- from the Bank, by way of pledging spurious jewels in the name of fake customers of the Bank with the help of A2, who is the wife of the petitioner. Hence, the present case has been registered against the petitioner.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that it is a second bail application. First application in Crl.OP(MD) No.19294 of 2021 was dismissed by this Court on 05.01.2022. He would further submit that the petitioner is a heart patient. On 23.02.2022, suddenly, the petitioner was affected by heart disease and he was admitted in the Rajaji Government Hospital, Madurai, by the jail authorities. Further, the petitioner was arrested on 10.02.2021. Ever since he is in custody for more than 400 days. Hence, he seeks to grant bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that earlier bail application was filed by this Court on the ground that the alleged amount has not been recovered from the petitioner. He would further submit that P.W.1 and P.W.2 were already cross examined by the petitioner.

5.The contention on the part of the petitioner is that the petitioner is a heart patient. To that effect he has also enclosed the relevant documents in typed set of papers.

6.Considering the duration of custody and also considering the health condition of the petitioner, this Court is inclined to grant bail to the petitioner with stringent conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Kadaladi, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
05/04/2022

/ TRUE COPY /

05/04/2022
Sub-Assistant Registrar (C.S-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
KADALADI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



3. THE OFFICER-INCHARGE,
SUB-JAIL, RAMANATHAPURAM.

4. THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
RAMANTHAPURAM DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.DHANASEKARAN, Advocate (SR-2922[I] dated
05/04/2022)

ORDER

IN

CRL OP(MD) No.6259 of 2022

Date :05/04/2022

DSS

USK/PN/SAR-I/05.04.2022/3P/7C