



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

Date : 22.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6909 of 2022

1. Mohana
2. Sumathi

... Petitioners/Accused 2 & 3

Vs

The State represented by
The Sub-Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.08 of 2022)

... Respondent/Complainant

For Petitioners : Mr.G.Prabhu Rajaduram,
Advocate.

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

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

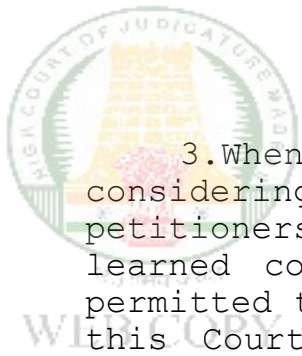
PRAYER :-

For Bail in Crime No.08 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.2 & A.3, who were arrested and remanded to judicial custody on 25.03.2022 for the offences punishable under Sections 409, 465, 466, 467, 468, 471, 477(A), 420 and 120(b) IPC, in Crime No.08 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that when the first accused was working as a Sirasthar in Sub Court, Uthamapalayam, he misappropriated a sum of Rs.33,55,2019/- from the account of the Court by manipulating the records and creating entries and also issued cheques in the name of the petitioners and got the money transferred. Hence, the complaint.



3. When the matter was taken up for hearing on 19.04.2022, considering the submission made by the learned counsel for the petitioners and also taking note of the submission made by the learned counsel for the petitioners that the petitioners may be permitted to deposit the amount involved before the concerned Court, this Court permitted them to deposit the amount before the Sub Court, Uthamapalayam.

4. When the matter is taken up for hearing today, the learned counsel for the petitioners would submit that they have deposited the amount and also furnished the particulars regarding the deposit.

5. Moreover, the learned Subordinate Judge, Uthamapalayam, has submitted a report on 21.04.2022 stating that the accused 2 and 3 had deposited the alleged misappropriation amount of Rs.33,55,209/- in MACT account of the concerned Court.

6. Considering the nature of the charges levelled against the petitioners and also the facts that the petitioners are the wife and the sister of the first accused, who is the main accused and is still in judicial custody and also taking note of the fact that they have deposited the entire amount of Rs.33,55,209/- before the concerned Court, this Court is inclined to grant bail to the petitioners with certain conditions.

7. 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, Theni District.

(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 as and when required for interrogation;

(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/-
22/04/2022

WEB COPY

/ TRUE COPY /

22/04/2022
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.

TO

1. THE JUDICIAL MAGISTRATE,
THENI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUB INSPECTOR OF POLICE
DIST CRIME BRANCH,
THENI DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-3699[I] dated 22/04/2022)

ORDER
IN
CRL OP(MD) No.6909 of 2022
Date :22/04/2022

CSM
USK/VR/SAR-II/22.04.2022/3P/7C