



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18175 of 2022

P.Manirathinam,
S/o Paramasivam,
No.89 Bharathi Street,
K.Pudur, Madurai 625 007.

... Petitioner/Accused No.1

Vs

State rep. by
The Inspector of Police,
Ss Colony Crime Police Station,
Madurai City.
Crime No. 1016 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Sheik Abdullah.M,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 1016 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 17.09.2022 for the offences punishable under Sections 408 and 420 IPC, in crime No.1016 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the Branch manager of the Giriyas show room, Madurai. On 19.10.2021, during the course of audit, it was found that there was shortage of stock in 120 numbers of household articles worth about Rs.9,33,070/-. Hence, this complaint.



3.The learned counsel for the petitioner would submit the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has filed a petition for anticipatory bail in Crl.OP(MD)No.16452 of 2021 before this Court and he was enlarged on interim anticipatory bail on 28.10.2021 with a condition to appear before the respondent police daily for fullest cooperation. Thereafter, it was dismissed for default on 09.02.2022. After a lapse of 7 months, the petitioner was arrested on 17.09.2022 and from onwards, he is in judicial custody. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. side) would submit that the petitioner/A1 was working as Branch Manager and A2 was working as in-charge at Giriyas Showroom, Madurai, for the past 2 years and prior to 19.10.2021 they left from service. During the pandemic situation of covid-19, the audit people found some shortage of stock. The misappropriated properties is not yet recovered and the custodial interrogation of the petitioner is necessary. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the incarceration period of the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a 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 No.V, Madurai.

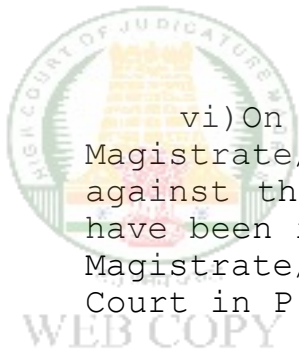
(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner is directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.1016 of 2021 before the learned Judicial Magistrate No.V, Madurai,** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(iii)the petitioner shall report before the respondent police daily at 10.30 a.m., 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 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].

sd/-
13/10/2022

/ TRUE COPY /

13/10/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, MADURAI.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI
DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI..
 - 4 THE INSPECTOR OF POLICE
SS COLONY CRIME POLICE STATION, MADURAI CITY,
 5. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai
- +1. CC to M/S.SHEIK ABDULLAH.M Advocate SR.No.11289

ORDER
IN
CRL OP(MD) No.18175 of 2022
Date :13/10/2022

KB/SKN(13.10.2022) 3P 7C