



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02.02.2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2125 of 2023

Sakthikumar

... Petitioner/Accused No.15

Vs

The State rep.by
The Inspector of Police,
District Crime Branch Police Station,
Thoothukudi District.
Crime No. 1 of 2023.

... Respondent/Complainant

For Petitioner : M/s.DAVID GANESAN.J,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

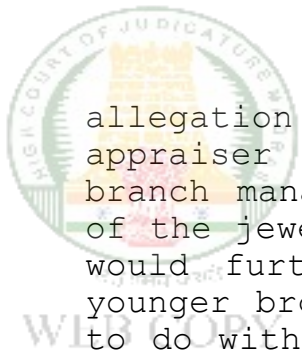
PRAYER :- For Bail in Crime No.1 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A15, who was arrested and remanded to judicial custody on 06.01.2023 for the offence punishable under Sections 409, 418, 406, 465, 468, 470, 471, 420 and 120(B) IPC, in Crime No.1 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant G.Sankarasubiramanian, Branch Manager of Indian Bank, Kulasekaranpattinam, Thoothukudi District, is that the first accused, namely Sudalai was working as an appraiser in the de-facto complainant's bank, during his period of employment, in collusion with A8 to A13, who were bank Managers during the relevant period and A2 to A7 customers of the bank had misappropriated 310.400 grams of gold jewels and disposed the same through A14 and A15, who are the jewellery shop owners. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been arrayed as A15 in this case. He would further submit that the petitioner is none other than the brother of A14, who is running a jewellery shop and the



allegation is that the main accused in this case, namely, the appraiser with the help of other customers in the bank and the branch managers during the relevant period, had illegally disposed of the jewels belonging to the bank and caused loss to the bank. He would further submit that the petitioner, other than being the younger brother of A14, who is a jewellery shop owner, has nothing to do with the alleged offence and A14 had gone to Sabarimalai and during the time, the petitioner was taking care of the shop and the respondent police have arrested the petitioner. He would further submit that even the main allegations are only against A14, who is the jewellery shop owner and the petitioner is in custody from 06.01.2023 and hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the first accused, namely Sudalai was working as an appraiser in the de-facto complainant's bank, during his period of employment, in collusion with A8 to A13, who were bank Managers during the relevant period and paying customers 2 to 7 had misappropriated 310.400 grams of gold jewels and disposed the same through A14 and A15, who are jewellery shop owners and hence, he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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.IV, Thoothukudi and on further conditions that:

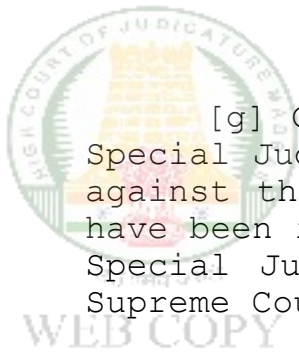
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Judge/concerned Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M. and 05.30 P.M., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness
<https://www.mca.gov.in/> during investigation or trial.



[g] On breach of any of the aforesaid conditions, the Special Judge/concerned 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 Special Judge/concerned Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/02/2023

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02/02/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT JAIL, THOOTHUKUDI.
- 4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.DAVID GANESAN.J Advocate SR.No.1680

ORDER

IN

CRL OP(MD) No.2125 of 2023

Date :02/02/2023

SA/SSS/SAR. /02.02.2023/3P/7C