



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.3736 of 2023

WEB COPY

Sudalai

... Petitioner/Accused No.1

-VS-

The State represented by
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(in Cr.No.1 of 2023)

... Respondent/Complainant

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.

For Petitioner
For Respondent

: M/s.M.ANBARASI, Advocate
: Mr.T.SENTHIL KUMAR
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 06.01.2023 for the offences punishable under Sections 409, 418, 406, 420, 465, 468, 470, 471 and 120B of 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.Sankarasubramanian, 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 appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely roped-in in this case. He would further submit that the petitioner has been made as a scapegoat and the petitioner has been working as an Appraiser for several years without any blemish. He would also submit that petitioner is in custody for more than 53 days and he would submit that without prejudice to his rights and defence, to



show his *bona fide*, the petitioner is ready and willing to (a) a title deed of immovable property for than Rs.10,00,000/- to the credit of crime number. Hence, he would seek for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that 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. He would object for grant of bail to the petitioner.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 06.01.2023, 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity; the petitioner shall deposit title deeds of immovable properties worth of Rs.10,00,000/- either belonging to him, friends or relatives.

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 pm., 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 either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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 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];



(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/02/2023

WEB COPY

/ TRUE COPY /

27/02/2023

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

CMR

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ANBARASI.M Advocate SR.No.2930

ORDER IN

CRL OP(MD) No.3736 of 2023
Date :27/02/2023

SA/SSS/SAR. /27.02.2023/3P/7C