



WEB COPY

CRL OP(MD).



23

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

Date : 16/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5016 of 2023

Velmurugan

... Petitioner/Sole Accused

Vs

The State rep. by,
The Inspector of Police,
Musiri Police Station,
Trichy District.
Crime No. 17 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Maheswaran R,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : M/s.Y.Praskash
Advocate

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

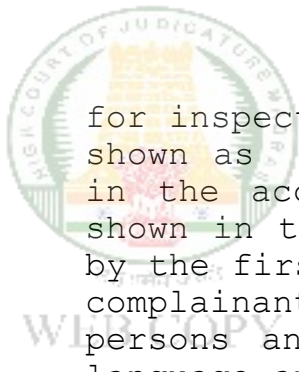
PRAYER :-

For Bail in Crime No. 17 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 06.02.2023 for the offences under sections 147,294(b),342, 403, 408, 420 and 506(i) of IPC in Crime No.17 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the first accused is the East Regional Manager of Musiri Office and on 21.12.2022 at about 12 noon the defacto complainant and others went to Musiri office



for inspection and it was found that the stock of the vehicle shown as 98 but the sale amount for 66 vehicles alone were shown in the accounts and the amount for balance 32 vehicles were not shown in the accounts and the accounts were not properly maintained by the first accused and when the same was questioned by the defacto complainant the accused went from that place and came with 10 other persons and scolded the defacto complainant and others in filthy language and also tried to attack them, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that the petitioner is the sole accused working as East Regional Manager of Musiri Office. The defacto complainant is the Deputy General Manager of Susee Finance and Leasing Private Limited and he is doing business of selling second hand two wheelers and it was found that out of 98 two wheelers only 66 two wheelers were alone shown in the account after sales. The sale proceeds of the 32 two wheelers were not accounted by the petitioner, therefore the petitioner had caused loss to the tune of Rs.19lakhs to the defacto complainant.

5. The learned counsel for the petitioner would submit that the petitioner was only working as a Regional Manager and the other staffs only failed to account the sale proceeds and he has nothing to do with the crime. However he is ready and willing to deposit a reasonable amount as directed by this Court.

6. Taking into consideration of the facts and submissions made by the learned counsels and also 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, Musiri and on further conditions that:

[b] the petitioner shall deposit the sum of Rs. 5,00,000/- to the credit in crime number 17 of 2023 before the learned Judicial Magistrate, Musiri without prejudice to their defence and only on such deposit being made the learned Magistrate shall accept the sureties furnished by the petitioner.

[c] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[d] the petitioner shall report before the respondent police station at 10.30 A.M. and 5.30P.M., until further orders.



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

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

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] 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 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].

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

sd/-
16/03/2023

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/03/2023

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

AAV

TO

1. The Judicial Magistrate, Musiri.
2. Do through the Chief Judicial Magistrate,
Trichy District.
3. The Officer In-Charge, Sub Jail, Musiri.
4. The Inspector of Police,
Musiri Police Station, Trichy District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.Y.PRAKASH, Advocate (SR-4424[I] dated 16/03/2023)

ORDER
IN

CRL OP(MD) No.5016 of 2023
Date : 16/03/2023