



CRL OP(MD). No.17366 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 16/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17366 of 2023

K.Prabakaran

... Petitioner/Sole Accused

Vs

State Rep.by  
The Inspector of Police,  
Ayyampettai Police Station,  
Thanjavur District,  
Crime No.195/2023.

... Respondent/Complainant

For Petitioner : M/s.Vaigunth.A.S, Advocate.

For Respondent : Mr.RMS.Sethuraman, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.195/2023 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 11.09.2023 for the alleged offence punishable under Section 420 IPC in Crime No.195 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that while the petitioner was working as agent in Madura Finance Company, he failed to remit the collection amount of Rs.1,87,669/-, which was received from the members, to the



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finance Company. Hence, the case.

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3.The learned counsel appearing for the petitioner would submit that the petitioner has collected amount from the members and immediately on the every day handed over to the Assistant Manager. But, he failed to account it to the company and he has not committed any default. In these circumstances, without committing any default, the petitioner is in jail from 11.09.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner collected the amount from the members and remitted it into the company. But, the account statement only prepared by the Assistant Manager, so far, the amount handed over by the petitioner to the Assistant Manager. According to the petitioner there is no practice by making any endorsement by the Assistant Manager for handing over the collected amount by the petitioner. He would further submit that the investigation of the case is pending.

5.Considering the nature of allegations made against the petitioner and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on condition to



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execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.III, Thanjavur, and on further conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

(ii) the petitioner shall not tamper with evidence or witness;

(iii) the petitioner shall not abscond during trial.

(iv) On breach of any of the aforesaid conditions, the learned 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].

(v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
16/10/2023  
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16/10/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TRP



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TO

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1 THE JUDICIAL MAGISTRATE NO.III, THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, AYYAMPETTAI POLICE STATION,  
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE, THANJAVUR PRISON, THANJAVUR.

5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.S.VAIGUNTH, Advocate ( SR-15259[I] dated 16/10/2023 )

ORDER

IN

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Date :16/10/2023

RS//SAR-(16.10.2023) 4P 7C

Madurai Bench of Madras High Court is issuing  
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