

**CRL.O.P.No.15283 of 2016****S.VAIDYANATHAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 02.05.2016 for the alleged offences punishable under Sections 465, 468, 471, 408, 109 IPC in Crime No.44 of 2016 on the file of the respondent police, **seeks bail.**

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3. The case of the prosecution is that the petitioner along with seven others misappropriated a sum of Rs.78 lakhs and caused heavy loss to the defacto complainant's Sugarcane Factory. Hence, the complaint against the petitioner.

4. According to the petitioner, only his son was working as a Clerk in the defacto complainant's Sugarcane Factory and that he is no way connected with the finance Section. He further submitted that he has been falsely implicated in this case and he is custody for more than 75 days.

5. The learned counsel for the intervenor submitted that the petitioner's son made bogus bills in the computer, as if several sugar cane load vehicles have come inside the Factory and looted the payment for the bogus entries made through RTGS transfer. According to the intervenor, the petitioner's son and other accused have swindled more than Rs.78,00,000/- through bogus sugar cane weighing.

6. Learned Government Advocate (Crl. Side) submitted that there are totally 11 accused. The defacto complainant is the Administrative Manager in M/s.Rajshree Sugar Factory. A1 is the petitioner's son; A2 to A4 are weigh bridge

receptionists and A5 and A6 are Sugarcane Assistants. He further submitted that the accused have misappropriated a sum of Rs.78 lakhs. But on enquiry, it is revealed that more than Rs.1 crore has been misappropriated and opposed for grant of bail to the petitioner.

7. In reply, the learned counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.5,00,000/- to the credit of this case, without prejudice to his contentions.

8. Taking note of the fact that the petitioner is willing to deposit a sum of Rs.5,00,000/- to the credit of this case and taking note of period of incarceration of the petitioner, **the petitioner is ordered to be released on bail subject to the following conditions:**

**(i) the petitioner shall deposit the title deed of the property worth about Rs.50 lakhs and execute a a bond for a sum of Rs.50,000/- (Rupees fifty Thousand Only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Gingee.**

(ii) the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) to the credit of Crime No.44 of 2016 before the said Magistrate, within a period of four weeks from the date of receipt of a copy of this order, i.e., on or before 29.08.2016, after coming out of the jail.

(iii) the petitioner shall appear before the respondent police daily at 10.30 a.m. until further Orders.

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall not abscond either during investigation or trial;

1. 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 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]**.

**9. Call the matter on 30.08.2016.**

**22.07.2016**

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S.VAIDYANATHAN,J.

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