



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

Friday, the Twenty First day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22649 of 2018

1 SANTHANAM
2 S.VIJAYA
3 S.VIJI @ VIJAYAKUMAR

... PETITIONERS / ACCUSED
NO.3 TO 5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
THENI.
(CRIME NO.53/2018)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.T.S.R.VENKATARAMANA, Advocate

For Respondent : Mr.S.CHANRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody since 27.11.2018 for the offences punishable under Sections 120(b), 406, 420, 379, 294(b) and 506(i) of IPC, in Crime No.53 of 2018, on the file of the respondent police, seek bail.

2.The case came to be registered on complaint given by Regional Manager of Saveri Transport Finance Company Ltd.,. The period of offence is said to have taken place from the year 2015 to 2018. The case is that one Suresh Kumar, Branch Manager of Saveri Transport Finance Company, Theni Branch used to finance for two wheelers and the Branch Manager was empowered to recouse the vehicle for higher price. During the above said period the said Suresh Kumar had cheated 52 vehicles without proper entry in the books of the company and by using three dealers. Thereby during this period he had misappropriated and cheated the company to the tune of Rs.7,83,000/-. The other allegation is that the first accused Suresh Kumar using the name of the other accused namely his wife, his father-in-law, mother-in-law and brother-in-law and using their Bank Account for transaction for his dubious duties. Earlier, there was a preliminary enquiry was conducted by the defacto complainant,



in which a sum of Rs.4.5 lakhs have been made good and which finds place in the complaint.

3.The learned counsel for the petitioner submits that since the defacto complainant is a finance company, he has got wide contacts with powerful persons and through them a case has been registered against the petitioners who have nothing to do with the above crime. Admittedly, in the complaint it is mentioned that the petitioner's name has been used by one of the accused and there is no specific averments against the petitioners as they have participated in the said offence. The learned counsel further submits that all the documents are with the finance company which have to properly audited.

4.Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners.

5.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Theni and on further condition that:

[a] the petitioners shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall not abscond either during investigation or trial.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]**.

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

sd/-

21/12/2018

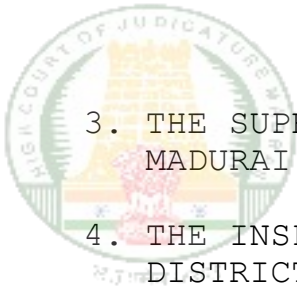
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, THENI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
THENI DISTRICT.



3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

4. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB), THENI.

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

+1. CC to Mr.T.S.R.VENKATARAMANA Advocate SR.No.23873

ORDER

IN

CRL OP (MD) No.22649 of 2018

Date :21/12/2018

MS/PN-AC/SAR-4/24.12.2018/3P.7C