



WEB COPY

CRL OP(MD) . No.10743 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2019

PRESENT

The Hon'ble Justice Mr.P.Rajamanickam

CRL OP(MD) . No.10743 of 2019

Ravindran ... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
District Crime Branch, Ramanathapuram,
Ramanathapuram District.
Crime No. 18/2019

... Respondent/Complainant

S.Kalyani ...Intervenor/Defacto
Complainant

For Petitioner : M/s.T.Ramesh,
Advocate.
For Intervenor : Mr.Raghavachari
Advocate
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 18 of 2019 on the file of the
Respondent Police.

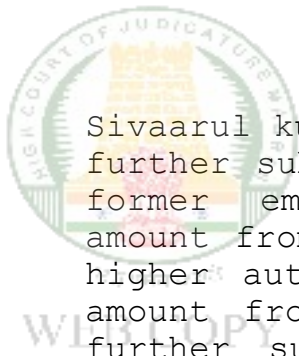
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.2
seeking bail for the alleged offence under Sections
420,406,408,465,468,471,477(A) r/w.120(b) of IPC

2. Heard both sides

3. The learned counsel for the petitioner would submit that the
petitioner was working as accountant in Arulmighu Ramanathaswamy
Thirukovil at Rameswaram . He further submitted that since the
petitioner is not having computer knowledge, he was assisted by one

<https://hcservices.ecourts.gov.in/hcservices/>



Sivaarul kumaran(A1) who temporarily joined as computer operator. He further submitted that the said Sivaraulkumaran is the son of the former employee of the temple and OTP number for transferring the amount from the account of the temple to the EPF also given by the higher authorities only to A1 and A1 has transferred the said amount from the account of the temple to the EPF account. He further submitted that while transferring the said amount he transferred the amount to his father's account and produced false account to the petitioner and since the petitioner is not having any computer knowledge he did not verify the said statements with the computer and believing the statement submitted by A1 he recorded the same in the registers as EPF of employees has been properly transferred to their EPF accounts. He further submitted that already departmental action has been taken against the petitioner and the petitioner has been placed under suspension and charge memo has been issued by the department. Even though six charges have been framed, it is not stated that the petitioner herein has got monetary benefits and on the contrary, it was alleged, only dereliction of duty on the part of the petitioner. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 04.07.2019 and he is in custody for the past 31 days. Therefore he prayed to grant bail to the petitioner.

4. The learned counsel for the intervenor would submit that since the petitioner herein joined as accountant, it is his duty to transfer the EPF amount to the account of the employees and for transferring the said amount he can take assistance of A1 but should not have totally entrusted the matter with A1 because A1 was employed only on temporary basis. He further submitted that the petitioner conspired with A1 and in pursuance of the said conspiracy A1 has transferred the amount from the account of the temple to his father's account and thereby he has swindled Rs.74 lakhs. Therefore he opposed to grant bail to the petitioner.

5. The learned Additional Public Prosecutor adopted the arguments advanced by the learned counsel for the intervenor/defacto complainant and he opposed to grant bail to the petitioner.

6. Taking into consideration of the fact that in the charge memo issued to the petitioner, it is stated that the petitioner colluded with A1 and also failed to monitor the work of A1 and caused loss to the tune of Rs. 82,87,058/- to the temple and its employees but no charge has been framed that the petitioner has swindled any amount and it is also not stated that he got any monetary benefits.

7. Taking into consideration all the aforesaid facts and also the fact during interrogation nothing has been recovered from the petitioner and also the fact that the petitioner is in custody for the past 31 days this Court is inclined to grant bail to the petitioner by imposing conditions:



[a] the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate No.II, Ramanathapuram.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

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

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

[e] 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].

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

sd/-
07/08/2019

/ TRUE COPY /

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

TO

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

+1 CC to M/s.T.RAMESH, Advocate (SR-13018[I] dated 07/08/2019)

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-13022[I] dated 07/08/2019)

ORDER
IN
CRL OP(MD) No.10743 of 2019
Date :07/08/2019

TK/VR/SAR.2/07.08.2019/3P/8C