



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.5008 of 2020 and

Cr.MP No.3212 of 2020

J.Moorthy

... Petitioner

Vs.

The State represented by,

The Inspector of Police

J-1, Saidapet Police Station,

Chennai

(Crime No.77 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest in Crime No.77 of 2020 by the respondent police.

For Petitioner : Mr. P.Kannan

For Respondent : Mr.M.Mohamed Riaz

Additional Public Prosecutor

For intervener : Mr.J.V.Sridaran

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 408 and 420 of IPC in Crime No.77 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was working as Regional Collection Manager in the de-facto complainant's company and he collected amounts to the tune of Rs.42,77,600/- from the customers, who have availed vehicle loan from the defacto complainant's company and instead of depositing the amount into the company, the petitioner had utilised the funds for himself and after some time, he had deposited a part amount and thereby cheated the company to the tune of Rs.5,90,409/-.



3. The learned counsel appearing for the petitioner submitted that the petitioner had deposited the entire amount into the accounts of the defacto complainant's company and that since there was some default payment, a sum of Rs.5,49,000/- remains unpaid to the company. He further submitted that the petitioner has been suspended from the company and the terminal benefits has also not been given to him.

4. The learned Additional Public Prosecutor submitted that the petitioner who was employed by the defacto complainant's company, misappropriated the amounts given by the customer to the company and that after it came to the knowledge of the company, the petitioner had re-deposited a sum of Rs.36,87,191/- and a sum of Rs.5,90,000 remains unpaid.

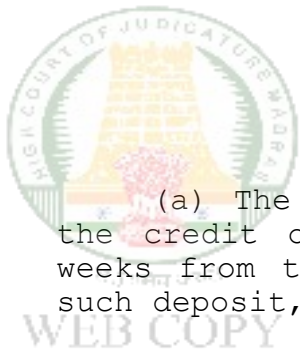
5. The learned counsel appearing for the intervener submitted that the petitioner was working as a Manager in the defacto complainant's company and that he has committed misappropriation of funds to the tune of Rs.5,90,400/- belonging to the company.

6. At this juncture, the learned counsel appearing for the petitioner submitted that without prejudice to the contention of the petitioner, he is prepared to deposit a sum of Rs.3,00,000/- to the credit of Crime No.77 of 2020 and he is also prepared to give sufficient surety.

7. Heard both sides. I have perused the entire documents.

8. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

9. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of three weeks from the date on which the order copy made ready, before the learned IX Metropolitan Magistrate, Saidapet, on condition that the petitioner shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



(a) The petitioner shall deposit a sum of Rs.3,00,000/- to the credit of Crime No.77 of 2020, within a period of three weeks from the date of receipt of a copy of this order and on such deposit, the concerned Magistrate shall accept the sureties.

[b] the petitioners and 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.

(c) the petitioners shall report before the respondent police every day at 10.30 a.m., until further orders.

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

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

[f] 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].

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

10. With the above directions, this Criminal Original Petition is ordered.

-sd/-
02/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE METROPOLITAN MAGISTRATE NO.IX,
SAIDAPET.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE (CRIME),
J-1, SAIDAPET POLICE STATION,
CHENNAI.

+1CC to M/S.P.KANNAN Advocate on payment of necessary
charges SR NO.6124

+1CC to M/S.J.V.SRIDARAN Advocate on payment of necessary
charges SR NO.6125

CRL.OP.NO.5008/2020
& CRL.MP.NO.3212/2020

Date :02/09/2020

MK:10/09/2020