IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5691 of 2020

LAVANYA [PETITIONER / ACCUSED]

Vs

STATE BY [RESPONDENT]
ASST COMMISSIONER OF POLICE,
CENTRAL CRIME BRANCH, EDF-II,
VEPERY, CHENNAI-600 007
(CRIME NO.20/2020).

For Petitioner : MR.THA.SILISH CHOWDARY Advocate for
M/S. T.M.NAIDU AND CO Advocate

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S.A.SELVENDRAN Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 28.02.2020 for the offence punishable under Sections 408, 420, 465, 468, 477A of IPC in Crime No.20 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, D.Christone, Senior Manager of M/s.Chola MS General Insurance, Chennai, is that the petitioner, R.Lavanya, was employed as the Personal Assistant to Mr.Takashi Kishi, Whole Time Director of the Company and she had in collusion with three other persons committed criminal breach of trust, forgery and falsification of accounts and misappropriated company funds to the tune of Rs.75,00,000/-. Hence, the complaint.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the de-facto complainant, Company is a Joint Venture of Murugappa Group and Mitsui Sumitomo Insurance Company Limited, Japan and that the petitioner was working as a lower level officer. As per the rules and procedures in the Company she can effect payments only through cheques/RTGS as per the approvals by the superior officers and that all the expenses are either paid or released

only after getting approval of the Higher Officials in the office. Some misappropriation was done by the Higher Officials and the petitioner has been made as a scapegoat. During the internal enquiry, the petitioner was pressurized and a letter was taken from her under coercion as if she had siphoned off an amount of Rs.80,00,000/- and based on that letter, the petitioner was suspended by the de-facto complainant Company on 20.08.2019. While so, later based on the false complaint, the petitioner has been arrested on 24.02.2020. He would submit that after the arrest of the petitioner she was taken to police custody on 05.03.2020 and 06.03.2020 and some jewels were recovered from her house. Even admittedly, as per the case of the prosecution, the facts of the case are borne out by documents and further custody of the petitioner may not be required. Hence, he seeks for grant of bail to the petitioner.

4. The learned counsel for the intervenor would submit that the petitioner who was the Personal Assistant to the Whole Time Director, by fabrication of documents and by issuing forged voucher and receipts towards expenditure has misappropriated Company funds to the tune of Rs.99,00,000/-. Though originally at the time of giving complaint the amount was stated to be Rs.75,00,000/- later during enquiry, the materials surfaced showing that the petitioner and other accused have cheated the Company to the tune of Rs.90,00,000/-. Hence, he vehemently opposed for grant of bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that the petitioner in collusion with three other persons committed criminal misappropriation of office funds by forgery and falsification documents and cheated the Company to the tune of Rs.92,00,000/-. He would further submit that the investigation is pending and some other accused have to be secured.

6. The learned counsel for the petitioner would submit that the petitioner is a single mother and she has a child aged 14 years and to prove her bonafide, the petitioner is prepared to furnish the original title deeds either belonging to her or her relatives to the tune of Rs.30,00,000/-.

7. Considering the above facts and circumstances of the case and the custody of the petitioner from 24.02.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions.

8. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned CCB Metropolitan Magistrate, Egmore, Chennai, and on further conditions that:-

[a] 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.

[b] the petitioner shall deposit the original title deeds of property worth Rs.30,00,000/- either belonging to her or belonging to her relatives.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 p.m., until further orders.

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

[e] the petitioner shall not tamper with evidence or witness 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 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].**

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

-sd/-
19/03/2020

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 CCB METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ASST COMMISSIONER OF POLICE,
CENTRAL CRIME BRANCH, EDF-II,
VEPERY, CHENNAI-600 007.

+1CC to M/S. T.M.NAIDU AND CO Advocate on payment of necessary charges SR NO.5377

CRL OP.5691/2020

Date :19/03/2020

MK:19/03/2020