

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7164 of 2020

Sudhakar

.. Petitioner/Accused-1

Vs.

State rep. by:  
Station House Officer,  
Mangalampet Police Station,  
Cuddalore District.  
(Crime No.348/2016)

.. Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.348 of 2016 on the file of the Station House Officer, Mangalampet Police Station, Cuddalore District.

For Petitioner : Mr. M.Selvam

For Respondent : Mr.M.Mohammed Riyaz  
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 20.02.2020 for the offences punishable under Sections 420 and 406 of IPC, in Crime No.348/2016, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that in the year 2016 in the auditing the defacto complainant found in the cash to fill up the ATM machine about shortage of money. On verification, the petitioner and others have misappropriated to the tune of Rs.22,97,000/- in respect of filling the ATM machine of the defacto complainant. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has arrayed as first accused and there is no shortage in the ATM machine. Even according to the case of the prosecution, in the auditing they found that there was misappropriation of money made by the petitioner and other accused persons. He further submitted that the petitioner was arrested and remanded to judicial custody on 20.02.2020 and hence, he seeks bail for the petitioner.

4.The learned Additional Public Prosecutor (CrI. Side) would submit that all the accused persons have misappropriated to the tune of Rs.22,97,000/- in respect of filling the ATM machine belonged to the defacto complainant in the State Bank of India, Mangalampet Branch, Cuddalore District. After arresting the second accused, Rs.5,00,000/- has been recovered from him and so far, this petitioner is concerned, nothing has been recovered.

5.It is seen that the petitioner is arrayed as the first accused. The petitioner along with other accused persons have misappropriated to the tune of Rs.22,97,000/- in respect of filling up the ATM machine belonged to the defacto complainant namely, the State Bank of India, Mangalampet Branch, Cuddalore District.

6. The learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to deposit title deed not less than to the value of Rs.25,00,000/- in to the credit of Crime No.348/2016.

7. Considering the above facts and circumstances and also considering the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner shall deposit the title deed stands in his name (or) relatives name (or) friends name, not less than the value of Rs.25,00,000/-(Rupees twenty five lakhs only) along with valuation certificate from the concerned authority to the credit of Crime No.348 of 2016 on the file of the respondent police and on such production, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/-(Rupees ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., from 01.06.2020 until further orders.

(e) the petitioner shall not abscond either during investigation or trial.

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(g) 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].

(h) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-  
11/05/2020

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 SESSIONS COURT,  
CUDDALORE.

2 THE JUDICIAL MAGISTRATE NO.II,  
VIRUDHACHALAM, CUDDALORE DISTRICT.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE STATION HOUSE OFFICER  
MANGALAMPET POLICE STATION,  
CUDDALORE DISTRICT.

CC to M/S.M.SELVAM Advocate on payment of necessary charges

CRL OP.7164/2020

Date :11/05/2020

MK:13/07/2020