

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7242 of 2020

R.Kumaran

... Petitioner

Vs.

The State Represented by  
The Inspector of Police,  
Latheri Police Station,  
Vellore District.  
Cr. No.66 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.66 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Pachaiyappan

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 13.02.2020 for the offences punishable under Sections 406, 409 and 420 of IPC in Crime No.66 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner who was working as a cash loader in the ATM Machine, the petitioner along with other accused persons had removed the cash from the ATM Machine using password. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner's superior officer had committed offence and the petitioner has been made as scapegoat. The petitioner is in judicial custody from 13.02.2020. He would further submit that the petitioner was joined as contract labourer in the company, which is under contract for loading cash in ATM Machines. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor (CrI. Side) would submit that the petitioner along with other accused persons, who were employees in the bank for loading cash in the ATM machines, had committed theft of cash by using password given by the bank. The presence of the petitioner is proved on the recording of the CCTV footage. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 13.02.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

[a] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the Credit of Crime No.66 of 2020 on the file of the respondent police, and on such deposit, 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) thereafter, 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 automatically.

(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. and 5.30 p.m., from 01.06.2020 for a period of two weeks and thereafter as and when required for interrogation.

(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.

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

-sd/-  
12/05/2020

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 JUDICIAL MAGISTRATE,  
KATPADI

2 THE PRINCIPAL DISTRICT AND  
SESSIONS JUDGE, VELLORE.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE  
LATHERI POLICE STATION,  
VELLORE DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL JAIL, VELLORE

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

WEB COPY

CRL OP.7242/2020

Date :12/05/2020

RVR 17/08/2020