

IN THE HIGH COURT OF JUDICATURE AT MADRAS

08.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K. ILANTHIRAIYAN

Crl.OP.No.7387 of 2020

G.Siva

...Petitioner

Vs

State rep. By

...Respondent

The Inspector of Police

Latheri Police Station

Vellore District.

(Crime No.66 of 2020)

**Prayer:** Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail pending investigation 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 (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.02.2020 for the offence punishable under Sections 406, 409, 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 along with other accused person were working in the Writer Business Service Private Limited at Vellore, which is the money loading company on behalf of the Banks and the petitioner colluded with other accused persons misappropriated the funds of the defacto company to the tune of Rs.5,00,000/- in the SBI ATM at Latheri, Vellore District.

3. The learned counsel appearing for the petitioner would submit that the defacto complainant, who is the superior officer in the defacto company, knows about the ATM machines user name and password and thereby he swindled the money and filed the case against the petitioner herein. Further, the petitioner is a M.Sc., and M.Phil graduate and he is a law abiding citizen. He never committed any

offence as alleged by the prosecution. In fact, another case has been foisted against the petitioner in Crime No.100 of 2020 on 12.02.2020, in which this Court has granted bail to the petitioner in CrI.OP.No.5512 of 2020 dated 23.03.2020. Hence, he pleaded to release the petitioner in bail.

4. The learned Additional Public Prosecutor (CrI. Side) would submit that the petitioner along with other accused persons, misappropriated the funds to the tune of Rs.5,00,000/- and shared with them. Hence, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that without prejudice to his right, the petitioner is ready and willing to deposit a sum of Rs.75,000/- to the credit of crime number.

6. Considering the above facts and circumstances and taking into consideration the nature of allegations against the petitioner in the FIR and 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.75,000/- (Rupees Seventy Five Thousand Only) to the credit of Crime No.66 of 2020, 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] the petitioner shall report before the respondent police daily at 10.30 am., from 15.06.2020, for a period of two weeks, thereafter as and when required for interrogation;

[c] the petitioner shall not leave Tamil Nadu during the interregnum period;

[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 229 A IPC.

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

-sd/-  
08/05/2020

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 PRINCIPAL SESSIONS JUDGE,  
VELLORE.

2 THE JUDICIAL MAGISTRATE  
KATPADI.

3 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE  
LATHERI POLICE STATION  
VELLORE DISTRICT.

6 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

CC to MR.S.PACHAIYAPPAN, Advocate on payment of necessary charges

CRL OP.7387/2020

Date :08/05/2020

TA-11/06/2020