

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.05.2020
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Cr1.O.P.No. 7575 of 2020

Maniarasu

.... Petitioner

Vs

State by

Sub-Inspector of Police,
Tambaram Police Station,
Tambaram,
Chennai.

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No. 61 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Prasadh

For Respondent : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.02.2020 for the offence punishable under Sections 408, 420, 468, 471 and 472 of I.P.C. in Crime No.61 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that a complaint lodged by the Manager of M/s.GRT Jewellers alleging that the 1st accused joined as a last grade worker and thereafter, he was promoted as Assistant Manager of jewellery shop. He was incharge of supply of gold and diamond jewels for the Corporate Company. He forged a credit bill and issued post dated cheque in the bogus trust name. Thereafter, he left the job. The cheque was presented by the complainant and it was returned for the reason 'insufficient funds'. However, the defacto complainant enquired and found

that the 1st accused along with two other accused persons, who are all staffs of the defacto complainant involved in bogus transaction. Thereby they swindled and misappropriated to the tune of Rs.2.80 crores from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that even according to the case of the prosecution, the petitioner is arrayed as 4th accused and he has nothing do to with the crime as alleged by the prosecution. The accused 1 to 3 were working under the defacto complainant and have misappropriated huge amount. Insofar as the petitioner is concerned he received some amount from the 1st accused on the interest basis. He further submits that the petitioner is ready and willing to deposit the original title deed to the credit of the crime.

4. The learned Public Prosecutor would submit that the 1st accused was working under the defacto complainant as Assistant Manager. From the year 2011-2019 the 1st accused along with other employees namely A2 & A3 swindled and misappropriated to the tune of Rs.2.80 crores by making forged bills, rubber stamp etc. So far 152 sovereign of jewels, 2 cars and Rs.7,00,000/- (Rupees seven lakh only) recovered from the 1st accused. The 1st accused also lent money which were misappropriated from the defacto complainant to A4 to A6. Insofar as the petitioner, A4 is concerned he received a sum of Rs.55,00,000/- (Rupees fifty five lakhs only) from the 1st accused and only one lakh has been recovered from the petitioner herein. Hence, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that there are totally six accused in which the petitioner is arrayed as A4. The 1st accused was working as an Assistant Manager under the defacto complainant. He conspired with other accused persons A2 & A3 and misappropriated to the tune of Rs.2.80 crores from the defacto complainant by making forged bills, rubber stamp etc. The respondent recovered 152 sovereigns of jewels, 2 cars and a sum of Rs.7,00,000/- (Rupees seven lakhs only) from the 1st accused. The investigation further revealed that the 1st accused lent money from the money misappropriated from the defacto complainant for interest and also on credit basis. Insofar as the petitioner is concerned he received a sum of Rs.55,00,000/- (Rupees fifty five lakhs only) and the respondent recovered only one lakh from the petitioner herein. Now the learned counsel for the petitioner would submit that the petitioner is ready and willing to deposit the original title deed.

7. Considering the above facts and circumstances and also the period of incarceration by the petitioner from the date of his arrest namely on 24.02.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner shall deposit original title deed stands in his name or his friends name or his relatives name, not below the value of Rs.60,00,000/- (Rupees sixty lakhs only) with proper valuation certificate issued by the Authority concerned 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 10.30a.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.

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

-sd/-
14/05/2020

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,
KANCHEEPURAM DISTRICT, CHENGALPATTU.

2 THE JUDICIAL MAGISTRATE,
NO.I, TAMBARAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE SUB-INSPECTOR OF POLICE
TAMBARAM POLICE STATION
TAMBARAM, CHENNAI

CC to R.PRASADH Advocate on payment of necessary charges

CRL OP.7575/2020

Date :14/05/2020

MK:13/07/2020

WEB COPY