

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10895 of 2020

Vinothkumar,
S/o.Chinnasamy,
No.1/108, South Street,
Ayyankarisalkulam, Mavilpatti Post,
Ettaiuapuram Taluk,
Thoothukudi District. Petitioner

- Vs. -

State rep. by
Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
Crime.No.2351/2020. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.2351 of 2020 on the file of the respondent police.

For Petitioner : Ms.M.Sathyasai Eswari

For Respondent : Mr.T.Shanmugarajeswaran,
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested on 14.06.2020, for the offence punishable under Section 406 of IPC, in Crime No.2351 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de facto complainant Balasubramaniyan is that the petitioner, who was working as a Supervisor in his firm for the past four months, colluded with the other accused named Mayakrishnan, who was working for 8 years and committed criminal breach of trust and misappropriated 4253 bags of Dhal each weighing 50 kg valued at Rs.1,86,70,670/-.

3. The learned counsel for the petitioner would submit that the petitioner had joined the job in the de facto complainant's company only four months prior to the occurrence and he had acted on instructions of one Mayakrishnan, who was working as Manager in the company for more than 8 years. Believing the said Mayakrishnan, the petitioner had loaded the bags in the vehicle and other than that,

he has nothing to do with allegations. He would submit that the petitioner is prepared to deposit some documents to prove his bona fides.

4. The learned Government Advocate (Crl. Side) appearing on behalf of the respondent would submit that the petitioner along with other accused committed the criminal breach of trust and they have stolen 4253 bags dholl weighing 50 kg each valued at Rs.1,86,70,670/-. He would submit that no recovery has been made and the co-accused is absconding and anticipatory bail has been dismissed.

5. Taking into consideration of the facts and circumstances of the case and the petitioner is in custody from 14.06.2020, this Court is inclined to grant bail to the Petitioner subject to the following conditions:-

(a) Accordingly, 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, in which the Petitioner has been confined and thereafter on his release;

(b) the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-II, Ponneri, within 15 days from the date of lifting of the lockdown or the commencement of the Court's normal functioning, whichever is earlier, 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 furnish the title deeds of immovable property worth about a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) either belongs to him or his relatives, to the credit of Crime No.2351 of 2020 before the learned Judicial Magistrate-II, Ponneri, within 15 days from the date of lifting of the lockdown or the commencement of the Court's normal functioning, whichever is earlier, failing which, the bail granted by this Court shall stand dismissed automatically;

(e) the petitioner shall report before the respondent police every day at 10.30.a.m until further orders;

(f) the Petitioner shall not commit any offences of similar nature;

(g) the Petitioner shall not abscond either during investigation or trial;

(h) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) 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/-
29/07/2020

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,
NO.II, PONNERI

2 THE OFFICER INCHARGE
SUB-JAIL, SAIDAPET, CHENNAI

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S. P.CHANDRA SEKAR Advocate on payment of necessary charges

CRL OP.10895/2020

Date :29/07/2020

RD 27/08/2020