

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13519 of 2020

HARAN @ HARAN G MASCARENHAS

... Petitioner

Vs.

State Rep. by Inspector of Police, ... Respondent
District Crime Branch,
Vellore, Vellore District.
(Crime No.12 of 2020).

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to grant an anticipatory bail to the petitioner in the event
of his arrest in connection with Crime No.12 of 2020 on the file of
the respondent.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections **465,**
467, 468, 471, 477A, 409 and 417 IPC, in Crime No.12 of 2020 on the
file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant
Jagan who is the Divisional Manager of the Food Corporation of
India, Vellore is that the petitioner was working as an Accounts
Manager in the said Corporation and by forging CPF-PFW payment
sanction orders made multiple payments for himself by misusing his
authorization and cheated the amounts of the Food Corporation of
India to the tune of Rs.12,64,000/- Hence the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is an innocent person and he has been falsely implicated
in this case. He would submit that this is the second bail
application and that there was some discrepancy in this account and
though the petitioner was entitled to Rs.6,32,000/- double entries
were made in his account and thereby, an amount of Rs.12,64,000/-
was credited to the account of the petitioner. He would further

submit that the petitioner after coming to know of the mistake, had repaid an amount of Rs.12,64,000/- and the entire amount has been paid back to the Corporation. He would further submit that the defacto complainant, the Food Corporation has also taken action against him and the petitioner is facing the enquiry. The petitioner has also been suspended and that there is no possibility of tampering with the record. He further submitted that the entire case of the prosecution is borne out by the records. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that this is the second bail application and that the petitioner by forging the CPF-PFW payment sanction orders and by manipulation of records has taken an amount of Rs.12,64,000/- from the said Corporation, further, the amount has been deposited back to the Food Corporation. He would further submit that the investigation is still pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and that the entire amount has been deposited to the Food Corporation, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail, in the event of his arrest or on his appearance, **within a period of fifteen days from the date on which a copy of this order is made ready**, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Katpadi, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond 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 229A IPC.

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

-sd/-

05/10/2020

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 CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCE,
VELLORE,
VELLORE DISTRICT.

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

CRL OP.13519/2020

Date :05/10/2020

TA-14/10/2020

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