

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.09.2020

CORAM :

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

CRL.O.P.No.15230 of 2020

T.Narashiman
C/o. K.H.Sridevi

... Petitioner

Vs.

The State by Inspector of Police,
R.S.Puram Police Station,
Coimbatore District.
(Crime No.996 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.996 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.Saravanan

For Respondent : Ms.S.Thankira
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 26.08.2020 for the offences punishable under Sections 408 and 420 of IPC in Crime No.996 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Janarthanan, Cashier of Wall Street Finance Ltd., having office at Coimbatore is that the petitioner/accused was working as a Manager in the company and that there used to be two keys for the cash chest of the company. One used to be in the hands of the defacto complainant and the other in the hands of the petitioner/accused. When ever the defacto complainant goes on leave, both the keys will be handed over to the petitioner. While so, on 03.06.2020, the defacto complainant had gone on leave handing over the keys to the petitioner. When he had come back on the next day i.e. 04.06.2020, the petitioner returned the defacto complainant's key. However, he did not handover the other key and thereby, the defacto complainant couldn't open the cash chest. Later on 11.07.2020, the accused had given a resignation letter and thereafter, on 13.07.2020, the petitioner had informed that he will hand over the key. But later, he informed that the key is in the table drawer. When the cash chest was opened, Thailand Bhat 3,50,000 and Indian cash of Rs.24,744/- were found missing. Thereby, the petitioner/accused has committed criminal breach of trust and

misappropriation.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since he had given his resignation. He would submit that the petitioner had given resignation on 11.07.2020. Thereafter, a false complaint has been given on 12.08.2020. He would further submit that the petitioner had handed over the key very next day when the defacto complainant had joined duty and there is a grave delay in giving the complaint. While the incident is stated to have been happened between 03.06.2020 and 04.06.2020, the complaint has been given much later on 12.08.2020.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner who was the Manager in the Company had committed criminal breach of trust and misappropriation during the absence of the defacto complainant who is the Cashier of the company. The petitioner/accused has misappropriated foreign currency of Thailand Bhat 3,50,000/- and Indian cash of Rs.24,744/- and the total value comes to Rs.3,75,000/-. She would further submit that the petitioner had earlier sent a whats app message admitting his guilt.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner is in judicial custody for about a month from 26.08.2020 and that without prejudice to his contention and defence, the petitioner is prepared to deposit a sum of Rs.1,50,000/- in two installments to the credit of crime number to show his bonafide.

6. Taking into consideration of the facts and circumstance of this case and that the petitioner has come forward to deposit a sum of Rs.1,50,000/- to the credit of crime number and also considering the period of incarceration of the petitioner from 26.08.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioner directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.996 of 2020 and on such deposit, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- with two sureties, each for a sum likesum to the satisfaction of the learned Judicial Magistrate-I, Coimbatore, and on further conditions that;

(b) the petitioner shall within a period of two weeks from the date of release from prison, deposit the balance amount of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.996 of 2020 failing which, the bail granted by this Court shall stand automatically dismissed.

(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;

every day at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) 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/-
28/09/2020

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.I, COIMBATORE

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R.S.PURAM POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.A.SARAVANAN Advocate on payment of necessary charges sr No.6474

CRL OP.15230/2020

Date :28/09/2020

RD 29/09/2020

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