

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15813 of 2020

Tamilvanan

.. Petitioner

Vs.

The State rep. by
The Sub Inspector of Police
District Crime Branch
Cuddalore.
(Crime No.14 of 2020)

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.14 of 2020 on the file of the respondent police.

For Petitioners: Mr.C.Pugazhenth

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 408, 420 and 506(i) of IPC, in Crime No.14 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one K.Balamurugan, Administrative Director of RK Automobiles is that the petitioner was working as Salesmen for the past 8 years. He was incharge of collecting the amounts from the farmers to whom the Tractors were sold. He came to know that during the period between February 2018 to May 2018, the petitioner had misappropriated an amount of Rs.17,74,000/- collected from the various farmers/customers to whom the Tractors were sold. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was appointed as salesmen in the de-facto complainant's company during the year 2010 and that he has been working to the satisfaction of the employer. Whiles, he met with an accident and without any notice to him, the petitioner was terminated from the service, against which the petitioner has issued a legal notice on 27.07.2020. Thereafter, the petitioner had also raised labour dispute before the Assistant

Commissioner of Labour, Cuddalore and it has been taken up for enquiry in File No.124 of 2020. Only as a counter-blast, a complaint has been given as if the petitioner had misappropriated an amount of Rs.17,74,000/-. He would further submit that the petitioner has claimed salary of Rs.19,69,000/- apart from an amount of Rs.25,00,000/- as compensation. To show his bonafide, the petitioner is prepared to deposit the original title deeds of an immovable property worth more than Rs.10,00,000/- with supporting solvency certificate for Rs.10,00,000/-. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed by stating that the petitioner is working as Salesmen in the de-facto complainant company and he had collected an amount of Rs.17,74,000/- from various customers and misappropriated the amount without depositing into the company's account. He would further submit that investigation is still pending.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, 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 arrest or on his appearance, within a period of fifteen days from the date on which the copy of this order made ready, before the learned Judicial Magistrate No.II, Cuddalore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall deposit the original title deeds of immovable property either belonging to him or his relatives worth Rs.10,00,000/- (ten lakhs) along with solvency certificate to the credit of Cr.No.14/2020 before the Judicial Magistrate No-II, Cuddalore.

[c] 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.

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

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

[f] the petitioner shall not abscond 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.

With the above direction, this Criminal Original Petition is ordered.

-sd/-

07/10/2020

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,
NO.II, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CUDDALORE,

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

WEB COPY

CRL OP.15813/2020

Date :07/10/2020

RVR 19/10/2020