

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2020

CORAM :

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

CRL.O.P.No.17381 of 2020

Muthukumaran

... Petitioner

Vs.

State By: Inspector of Police,
SHO Chidambaram Taluk P.S.,
Cuddalore.
(Crime No.600 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, in Crime No.600 of 2020 on the file of the Judicial Magistrate No-II, Chidambaram (on the file of the respondent Police Station).

For Petitioner : Mr.P.Pugalenth

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 07.10.2020 for the offences punishable under Sections 409, 465, 468, 471 and 420 of IPC in Crime No.600 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant, Mohanasundaram, Branch Manager, Government Transport Corporation, Chidambaram, is that the petitioner who was working as a Cashier in the Government Transport Corporation, Chidambaram, had by fabrication of documents and falsification of accounts, misappropriated a sum of Rs.5,60,000/- belonging to the Corporation. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that during Covid period, certain staffs were not available and there was some mistakes in the accounts. Thereby, the petitioner has been fixed in this case and that he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner was arrested on 07.10.2020 and he has been suffering incarceration for more than a month. He would further submit that the petitioner has been suspended from service and the terminal benefits of the petitioner is available with the Corporation and that the entire case has been borne out by

documents. He would further submit that in order to show his benafide, the petitioner is prepared to furnish two Government sureties and also prepared to deposit the original title deeds of the immovable property with face value worth Rs.3 lakhs and the market value worth Rs.5 lakhs, belonging to one Lakshmi, who is a Government Servant, to the credit of crime number and she is also prepared to stand as surety. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner who was working as a Cashier in Government Transport Corporation, Chidambaram, and incharge of depositing money in the bank, on 19.09.2020, 21.09.2020, 24.09.2020, 28.09.2020 and 01.10.2020, had totally misappropriated the amounts belong to the Corporation to the tune of Rs.5,60,000/- by not depositing the same in the bank. He would further submit that the investigation is pending.

5. Taking into consideration the facts and submissions made by the learned counsels and the fact that the entire case has been borne out by documents and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is directed to deposit the original title deeds of property worth Rs.3 lakhs (Rupees Three Lakhs Only) standing in the name of one Lakshmi to the credit of Crime No.600 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.25,000/- (Rupees Twenty Five Thousand only) with two Government sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Chidambaram, and on further conditions that:

(b) 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;

(c) the petitioner, on his release from prison, shall report before the respondent police everyday at 10.30 a.m. until further orders;

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

(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 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];

(h) 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/-
09/11/2020

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, CHIDAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE BY INSPECTOR OF POLICE
SHO CHIDAMBARAM TALUK POLICE STATION,
CUDDALORE

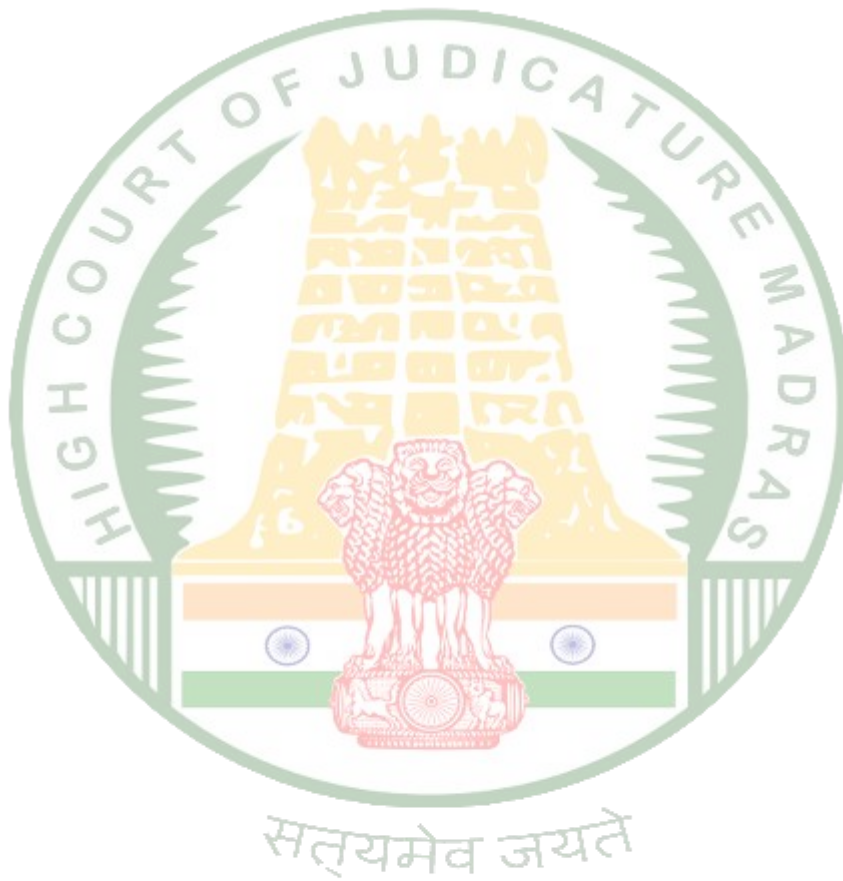
5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

CC to M/S. P.PUGALENTHI Advocate on payment of necessary
charges SR.7431

CRL OP.17381/2020

Date :09/11/2020

RVR 10/11/2020



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