

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 18569 of 2020

Vetrivel

... Petitioner/1st Accused

Vs.

The State represented by,

The Inspector of Police,

District Crime Branch,

Perambalur District.

(Crime No. 1 of 2018)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1 of 2018, on the file of the respondent police.

For Petitioner : Mr.K.Balu

For Respondent : Mr.T.Shunmugarejeswaran

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 14.10.2020 for the offences punishable under Sections 406, 420, 468, 477A, 294(b), 506(i) and 34 of IPC, in Crime No. 1 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/A1 and other accused/A2 & A3, who were working as Manager, Cashier and Appraiser respectively in the jewel section of Sri Ram City Union Finance Private Limited, Perambalur, zonal office, had created fake gold loan in the name of the fictitious persons and cheated an amount of Rs.25,00,000/- to the defacto complainant's finance Company. 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 contend that the petitioner was

working as a Manager in the jewel Section of Sri Ram City Union Finance Private Limited, Ariyalur and thereafter he was transferred to Perambalur, zonal office. He would further contend that the occurrence took place in the year 2015 and the case came to be registered on 06.6.2018 for the offence under Sections 406, 420, 468, 477A, 294(b), 506(i) and 34 of IPC. He would submit that the co-accused persons in this case viz., A2 and A3 were granted bail by this Court in Crl.O.P.No.16427 of 2018, dated 29.08.2018. He would submit that the petitioner was already granted anticipatory bail in Crl.O.P.No.3727 of 2019, dated 14.03.2019 with a direction to deposit a sum of Rs.10,00,000/- and the petitioner got no amounts to pay and later he was unable to comply with the conditions and thereby, he was arrested on 14.10.2020. He would further contend that the petitioner is suffering incarceration for the past 45 days. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that when the petitioner along with two other accused, who were working as the Manager, Cashier and Appraiser respectively in Sri Ram City Union Finance Private Limited, Ariyalur, they have created fake gold loans in the name of fictitious persons and misappropriated an amount of Rs.24,23,500/- and all the three accused taken the amount and cheated the defacto complainant. During the inspection, it was found that the petitioner had misappropriated the amounts and cheated the defacto complainant and thereby, a case was registered against the petitioner. He would further contend that the petitioner was granted anticipatory bail in Crl.O.P.No.3727 of 2019, dated 14.03.2019 with a condition to pay an amount of Rs.10,00,000/- and the same has not been complied with by the petitioner and that no recovery has been made from the petitioner.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. Taking into consideration of the facts and circumstances of the case and submissions made by the learned counsel and considering the period of incarceration by the petitioner from 14.10.2020, 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 condition to 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 learned Judicial Magistrate No.I, Perambalur 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 shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required.

(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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

24/11/2020

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.I,
PERAMBALUR

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR DISTRICT [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
PERAMBALUR DISTRICT.

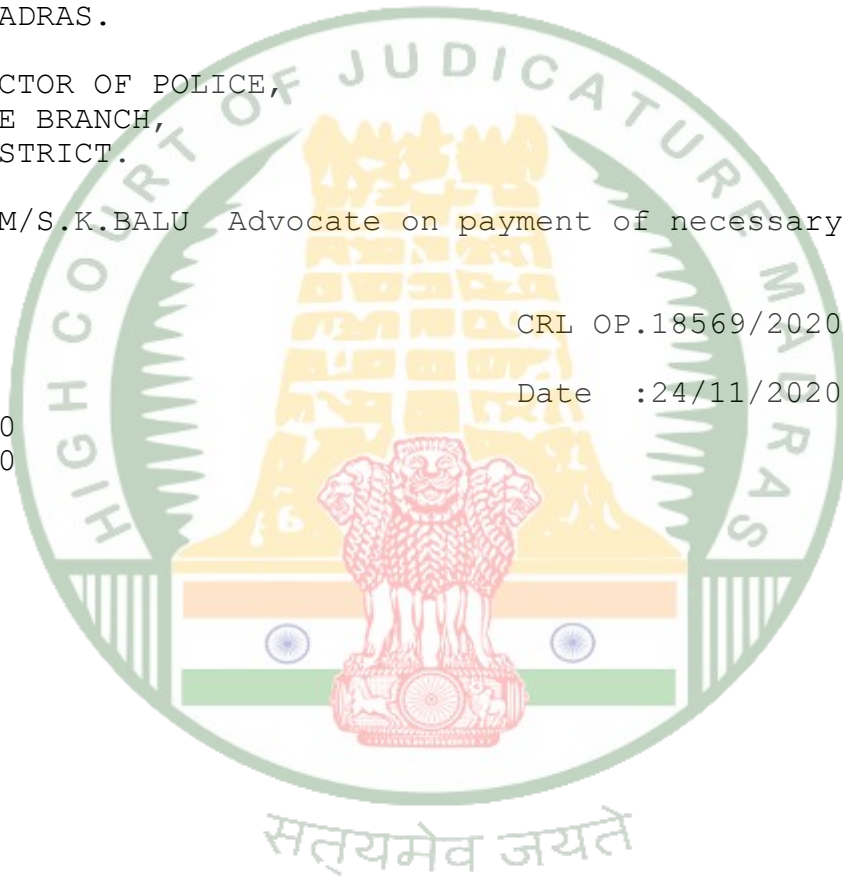
+1 CC to M/S.K.BALU Advocate on payment of necessary charges
SR.NO.7810

CRL OP.18569/2020

Date :24/11/2020

GKS:27/11/2020

GKS:01/12/2020



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