



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/12/2020

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PRESENT

The Hon'ble Mr. Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.13981 of 2020

Shahul Hameed

... Petitioner/Petitioner

Vs

1. Sakthiganesh

... 1st Respondent/2nd Accused

2. State Rep. by

The Inspector of Police,
District Crime Branch Police Station,
(Silaiman Police Station),
Madurai District.
Crime No.1154/2020.

...Respondent/Respondent

For Petitioner : M/a.Ganga Priya for
M/s.M.Lingadurai, Advocate.

For R2 : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

PRAYER :-

To cancel the bail granted to the 1st respondent/2nd accused in Cr.M.P.No.1599 of 2020, dated 19.10.2020, on the file of the Learned Judicial Magistrate Court No.1, Madurai.

ORDER : The Court made the following order :-

This petition has been filed for cancellation of bail granted to the first respondent herein in Cr.M./P.No.1599 of 2020 dated, 19.10.2020 on the file of the Learned Judicial Magistrate Court No.1, Madurai.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the defacto complainant and he is the Managing Director of Kasim Textiles Mills (P) Ltd., and he is running the Mill from the year 1992 and the family members are the share holders of the above said Mill. In that Mill, the 1st accused was working as Civil Engineer from the year 2005-2011. Thereafter, the 1st accused was working as Human Resources Officer of the Mill from 2011-2020. The 1st respondent/2nd accused was working as Quality Control Inspector of the Mill from the year 2005-2014. Thereafter, the 1st respondent/2nd accused was working as General Manager of the Mill from the year 2014-2020. During this period both the accused



conspired together and created focus bills and they misappropriated huge amount from the Mill as follows:-

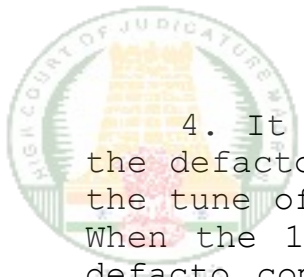
i. By creating focus accounts the 1st accused misappropriated Rs.5,,42,422/-. Then by way of Daily wages workers and created focus duplicate receipt in the name of different persons and cheated Rs.3,09,080/-. Then by way of building renovation work and created duplicate bills and cheated Rs.1,86,300/- Then by way of salary to the workdrs, these accused misappropriated as Rs.75,266/-. Then Rs.50,524/- by way of salary to Driver Pechiyappan, who is sister's husband of the 1st respondent/2nd accused. Further, without coming to the work, full month salary was misappropriated thereby cheated Rs.67,383/-.

ii. Then both the accused misappropriated Rs.31,050/- in the name of non working workers and created focus vouchers. Further the 1st respondent/2nd accused has created focus bill and cheated Rs.9,42,288/-. Further the defacto complainant is having Solar Project at Varalotti, Kariapptti circle, Virudhunagar District. In that project the accused has cheated Rs.77,59,134/- from 24.12.2018 to 23.09.2019.

iii. Further in the Solar Project by making false entry in the daily register and cheated Rs.1,46,646/-. Further by way of commission for purchasing material he has misappropriated by huge amount and from the City Union Bank transaction. He has misappropriated Rs.18,32,078/- from the act of the said misappropriation the accused Nos.1 and 2 in this case have cheated Rs.1,19,42,171/-.

iv. Further the company's Honda vehicle bearing Registration No.TN-64-B-7245 and Laptop-DELL 7560G, Solar Project Attendance Register, Expenditure Register also thefted by the accused. Hence, on 27.01.2020 at about 11.00 a.m, the defacto complainant enquired the accused persons and at that time, the accused persons have threatened and refused to admit the offence. Hence, the complaint lodged on 08.08.2020 before the 2nd respondent police station and after enquiry FIR was registered in Crime No.1154/2020 under Sections 406, 468, 471, 379 and 420 of IPC and the same is pending before the learned Judicial Magistrate Court, Madurai.

3. Thereafter, the 1st respondent/2nd accused was arrested and remanded to judicial custody on 25.09.2020. He further submitted that when the 1st accused approached this Court, for anticipatory bail, this Court imposed conditions that the 1st accused shall deposit the title deed not less than the value of Rs.1,00,00,000/-. In respect of the 1st respondent/2nd accused, the learned Magistrate without imposing any condition, simply granted bail. Therefore, he prayed for cancellation of bail granted for the 1st respondent/2nd accused.



4. It is seen that there are totally two accused. According to the defacto complainant, both the accused persons misappropriated to the tune of Rs.1 crore 57 lakhs from the defacto complainant's Mill. When the 1st accused was working as Human Resources Officer in the defacto complainant's Mill. In the said case, the 1st respondent/2nd accused was arrested and remanded to judicial custody on 25.09.2020. Thereafter, he was released on bail on 19.10.2020 in Cr.M./P.No.1599 of 2020 on the file of the Learned Judicial Magistrate Court No.1, Madurai. Insofar as the 1st accused is concerned, when he was approached this Court for anticipatory bail, this Court imposed conditions that he shall deposit the original title deed not less than the value of Rs.1,00,00,000/- with the proper valuation certificate issued by the authorities concerned.

5. Now, only the ground raised by the petitioner is that the learned Magistrate while granting bail to the 1st respondent/2nd accused, did not imposed any condition. It is seen that he was arrested and remanded to custody. Thereafter, he was released on bail. Therefore, the learned Magistrate did not imposed any condition. Further, while granting bail, the 1st respondent/2nd accused was directed to appear before the 2nd respondent herein as and when required. Therefore, the 1st respondent/2nd accused did not follow any of the condition imposed by the learned Magistrate and as such, this Court does not find no merits in this petition.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

04/12/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE No.1, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
(SILAIMAN POLICE STATION),
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL OP(MD) No.13981 of 2020

Date :04/12/2020

DSS

<https://hcservices.ecourts.gov.in/hcservices/>

TE/RV/SAR-11 : 08/01/2021 : 3P/5C