

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.331 of 2021

Syed Mubin Ahmed

... Petitioner

Vs.

State by
The Inspector of Police,
CCB Police Station,
Coimbatore.
(Crime No.18 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.18 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. Vijayakumar for
Mr.R.Renjith

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are six accused and the petitioner is arrayed as A1. He was arrested and remanded to judicial custody on 30.08.2020 for the offence punishable under Sections 120(B), 408, 420, 477A and 506(ii) of I.P.C. in Crime No.18 of 2020 on the file of respondent, and now, he has filed this petition seeking for bail.

2. The case of the prosecution is that the petitioner is working as Purchase Manager in the defacto complainant's company and the company had sold the construction materials to various purchases. The petitioner being a Sales Manager, he has transferred the sale proceeds to his account and cheated the company for nearly Rs.66 lakhs. Hence, the criminal case has been registered against the petitioner and accordingly, he was arrested and remanded to judicial custody on 30.08.2020. Now, he has filed this petition seeking for bail.

3. The learned counsel appearing for the petitioner submitted that the petitioner is only a Purchase Manager in the defacto complainant's company and the entire transaction is in online payment. He would submit that none of the money transferred to the petitioner's account and only part of the amount was transferred to his account. He would submit that some amount was withdrawn and the same was handed over to the defacto complainant. He would also submit that the investigation is completed, the final report has also been filed, and the petitioner is in jail for more than five months. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent has vehemently opposed this petition on the ground that the petitioner is a Sales Manager in the defacto complainant and he has received the entire statement of account, thereby transferred to his account. She would submit that thereafter, he has indulged in online gambling and lost the money. She would further submit that the statement of account would clearly reveal that he has received the money and he has not handed over the same to the defacto complainant and he has lost the amount in online gambling. She would also submit that now the matter is taken cognizance and the same is posted for framing charges. Hence, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that now the investigation is over, the final report has been filed, now the matter is taken cognizance and the same is posted for framing charges and also considering the period of incarceration suffered by the petitioner for more than five months, this Court is inclined to grant bail to the petitioner subject to stringent conditions as follows :

(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-VII, Coimbatore** and on further conditions that:

(b) **the petitioner shall deposit original title deeds of the properties stand in his name or his relatives names, not less than the value of Rs.20,00,000/- (Rupees Twenty Lakhs only) along with the valuation report obtained from the Valuation Authority concerned to the credit of Crime No.18 of 2020 on the file of the respondent, within a period of four weeks from the date of releasing him from prison, failing which the bail granted to the petitioner shall stand automatically cancelled, and the respondent shall take action in accordance with law;**

(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;

(d) the petitioner, on his release from prison, shall report before the Trial Court on all hearing dates without fail ;

(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.

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

-sd/-

12/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE - VII,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB POLICE STATION,
COIMBATORE.

+1 CC to M/S.R.RENJITH Advocate on payment of necessary
charges SR.NO.1496

CRL OP.331/2021

Date :12/02/2021

TA-15/02/2021



WEB COPY