

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.426 of 2021

K.VINOTH KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ARANI POLICE STATION,
ARANI TALUK, TIRUVANNAMALAI.
CRIME NO.3533 OF 2020

[RESPONDENT]

For Petitioner : M/S.J.RAVINDRAN Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is A25. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 of IPC, in Crime No.3533 of 2020 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that totally there are 25 accused. The petitioner is A25. The defacto complainant is National Collateral Management Services Limited. The duty of the defacto complainant is to stock the rice bags and hypothecated goods in the godown and release them after releasing of hypothecation to the owners. The petitioner was working as Cluster Controller and his duty is to cross check physical verification of the counts and numbering of stoked bags monthly once. It is alleged that as per stock register the available stock should be 99270 bags but on physical verification there was only 68391 bags and there was a shortage of 29829 bags. The allegation against the petitioner is that in collusion with the borrowers he permitted them to remove the goods from the godown. Hence, a complaint has been registered against the petitioner.

3. Mr.J.Ravindran, learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence. He submitted that when the the occurrence had taken place between

30.03.2018 to 02.12.2019, at that time, the petitioner was not in service and he left the service as early as on 10.07.2017 itself and he was also relieved from duty w.e.f 17.08.2017, which is much prior to the alleged occurrence and he has also produced the letters issued by the defacto complainant relieving the petitioner from service. According to the learned counsel at the time of occurrence, the petitioner was no more an employee and thus, he has been falsely implicated in the case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that even though the petitioner was relieved from service, he was actually involved in the activities of the company and he has signed in so many registers, he has also physically present at the time of occurrence, and colluded with other accused and cheated the defacto complainant.

5. I have considered the rival submissions.

6. A perusal of the records, it could be seen that the petitioner was relieved from service as early as on 17.08.2017, a letter issued by the defacto complainant also produced by the petitioner and admittedly, the occurrence had taken place between 30.03.2018 to 02.12.2019, thus the occurrence had taken place after the petitioner was relieved from service. No material has been placed to show that even after he was relieved from duty, his service was utilised by the defacto complainant and he committed the crime. Hence 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Arni, on condition that the petitioner shall execute a separate 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 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.

(c) The petitioner shall appear before the respondent police as and when required for interrogation and cooperate with the investigation.

(d) The petitioner shall not tamper with evidence or witness either during investigation or trial.

(e) The petitioner shall not abscond either during investigation or trial.

(f) 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].

(g) 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/-
26/03/2021

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,
ARANI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARANI POLICE STATION, ARANI TALUK,
TIRUVANNAMALAI.

+1 CC to M/S.J.RAVINDRAN Advocate on payment of necessary charges SR NO. 4172

CRL OP.426/2021

Date :26/03/2021