

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.6758 of 2021

Ezhenchezhiyan

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
District Crime Branch,
Nagapattinam District.
(Crime No.02 of 2020)

.... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.02 of 2020 on the file of the respondent police.

For Petitioner : Mr.P. Muthamizh SelvaKumar

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 12.02.2021 and remanded to judicial custody for the offences under Section 408,409,465,467,468,471,477 a and 120 B of I.P.C 1860 in Cr.No.02 of 2020 on the file of the respondent police, seeks bail.

2. Totally there are 3 accused in this case and the petitioner herein is A2. The case of the prosecution in that the petitioner is a cashier in State Bank of India and he entered into a criminal conspiracy with the other two accused and swindled bank funds to the tune of Rs.2 crores. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and he has been in jail from 12.02.2021. Therefore, he prays to grant bail to the petitioner. He also submitted that the petitioner in order to show his bona fide, on his own volition, is ready and willing to deposit a sum of Rs.30,00,000/- to the defacto complainant/Bank.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioner along with other accused swindled bank funds to the tune of Rs.2 crores. She further submits that investigation is almost completed.

5. Taking into consideration the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioner and the further fact that the petitioner, on his own volition, is ready and willing to deposit a sum of Rs.30,00,000/- to the defacto complainant/Bank, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to deposit a sum of Rs.30,00,000/- to the defacto complainant/Bank and on such payment being made and production of acknowledgment as to the said payment, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No. I, Nagapattinam and on further condition that:

(a) 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;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]; and;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/04/2021

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,
NO.I, NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH
NAGAPATTINAM DISTRICT.

5 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGAPATTINAM

CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of necessary charges SR.NO.4528

CRL OP.6758/2021

Date :16/04/2021

rvr 16/04/2021

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