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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.12011 of 2021

Raji

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
District Crime Branch,
Villupuram.
Crime No.01 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.01 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.A.Gopinath
Government Advocate (CrI side)

ORDER

The petitioner, who was arrested on 31.05.2021 and remanded to judicial custody for the offence under Section 406 and 420 of IPC in Cr.No.01 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stating that the petitioner was working as licensed agent in the Arakandanalur Agricultural Marketing Committee for taking delivery of all kinds of grains from the farmers for a period from 27.12.2019 to 21.10.2020. The petitioner had received paddy, corn, Kambu from the farmers to the value of Rs.27,45,803/- and he has not credited the said amount to the Marketing Committee.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 31.05.2021. However, on instructions, the petitioner, without prejudice to his rights, is ready and willing to deposit for a sum of Rs.10,00,000/- (Rupees Ten



Lakhs Only) to the said Committee, within a period of two weeks and after coming out on bail, the petitioner is ready and willing to pay the balance amount of Rs.13,05,000/- within a period of three weeks, thereafter. Therefore, he prays to grant bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that the petitioner has received the grains from the farmers to the value of Rs.27,45,803/- and he has not credited the said amount to the Market Committee and cheated the amount. Rs.4,40,000/- only recovered from the petitioner so far. If he is released on bail, he may absconding and there is a chance to tamper the witnesses.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) by way of cash/ demand draft in favour of the Secretary, Market Committee, Villupuram, without prejudice to his defence before the trial Court within a period of two weeks from the date of receipt of copy of this order and the learned Judicial Magistrate, after perusing the cash/Demand Draft, shall accept the sureties furnished by the petitioner. Thereafter, the learned Judicial Magistrate is directed to disburse the amount to the defacto complainant on filing an appropriate undertaking affidavit before the trial Court.

(b) After coming out on bail, the petitioner shall pay the balance amount of Rs.13,05,000/- (Rupees Thirteen Lakhs and Five thousand only) by way of cash/ demand draft in favour of the Secretary, Market Committee, Villupuram, without prejudice to his defence before the trial Court within a period of three weeks, thereafter;

(c) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the District Jail, Vedampattu, Villupuram District in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(d) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirukovilur;.

(e) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned



Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(f) 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;

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

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

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

(j) 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;

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

-sd/-

19/07/2021

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,
THIRUKOVILUR

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM (FOR INFORMATION)



3 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VILLUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT JAIL, VEDAMPATTU,
VILLUPURAM DISTRICT.

6 THE SECRETARY, MARKET
COMMITTEE, VILLUPURAM

CC to M/S. R.NALLIYAPPAN Advocate on payment of necessary
charges

CRL OP.12011/2021

Date :19/07/2021

RVR 20/07/2021