



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14898 of 2021

V.Krishnamoorthy

... Petitioner

Vs.

The Inspector of Police,
Commercial Crime Investigation,
Wing (CCIW),
Krishnagiri.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.1 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.S,Palaniswamy

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 14.07.2021 and remanded to judicial custody for the offence under Sections 408, 477A and 120 B IPC, in Cr.No.1 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was working as a Secretary of KK117, Malayandihalli Primary Agricultural Co-operative Society Limited. Further, the petitioner along with other accused persons had misappropriated a sum of Rs.29,72,736/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, on his own volition, is ready to deposit a sum of Rs.15,00,000/- to the Malayandihalli Primary Agricultural Co-operative Society Limited.

4.Heard the learned Government Advocate (Crl.Side) appearing for the respondent police.

5. Considering the facts and circumstances of the case and also the fact that the petitioner is ready and willing to deposit of Rs.15,00,000/- to the society and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions and this order will not be applicable to other accused persons.



WEBSITE

6. Accordingly, 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Krishnagiri, and further conditions that:

(a) the petitioner is directed to deposit an amount of Rs.15,00,000/- to the Malayandihalli Primary Agricultural Co-operative Society Limited, within a period of two weeks, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

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

(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]; and;

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

-sd/-

23/08/2021

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.



1 THE JUDICIAL MAGISTRATE NO.II,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
COMMERCIAL CRIME INVESTIGATION,
WING (CCIW), KRISHNAGIRI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 MALAYANDIHALLI PRIMARY AGRICULTURAL
CO-OPERATIVE SOCIETY LIMITED,
MALAYANDIHALLI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.S.PALANISWAMY Advocate on payment of necessary
charges SR.NO.8918

CRL OP.14898/2021

Date :23/08/2021

INBA 24/08/2021