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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.OP.No.15662 of 2021

M. Allimuthu
S/o Munusamy

... Petitioner

Vs.

State rep by
The Inspector of Police,
CCIW Police Station, Krishnagiri.
Crime No.2 of 2021
Krishnagiri and District.

... 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.2 of 2021 on the file of the respondent police.

For Petitioner : Mr.S. Sai Shankar

For Intervenor : Mr.M.S. Palanisamy

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

ORDER

The petitioner who was arrested and remanded to judicial custody for the offence punishable under Sections 408,464,471,477A and 120(B) of I.P.C in Cr.No. 2 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/A5 alleged to have misappropriated the funds of the society to the tune of Rs.2,11,870/- Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights, the petitioner are ready to deposit the amount of Rs.2,11,870/- to the credit of the societies account. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner alleged to have misappropriated the funds of the society to the tune of Rs.2,11,870/- Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts of the case and the petitioner is ready and willing to deposit the amount of Rs.2,11,870/- to the credit of the society account and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

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-II, Krishnagiri and on further condition that:

(a) the petitioners shall deposit an amount of Rs. Rs.2,11,870/- within a period of four weeks from the date of receipt of a copy of this order to the credit of the societies account and produce the receipt before the Chief Judicial Magistrate-II, Krishnagiri at the time of execution of sureties.

(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 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.

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-sd/-
31/08/2021

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
COMMERCIAL CRIME INVESTIGATION WING,
KRISHNAGIRI DISTRICT .

4 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S S.SAI SHANKAR Advocate on payment of necessary charges

CRL OP.15662/2021

Date :31/08/2021

JPA 01/09/2021