



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.17443 of 2021

J. Satheesh Kumar

.. Petitioner

Vs.

State Rep By
The Inspector of Police
EOW, Chennai
Crime No.24 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 Crime No.24 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.M. Mohamed Riyaz

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

ORDER

The petitioner who was arrested on 25.08.2021 and remanded to judicial custody for the offences under Sections 408,420 and 120(B) of I.P.C in Crime No.24 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is engaged in trading of import of coal and the petitioner and A2 are incharge of the affairs of the defacto complainant's company. While so at the time stock verification, it was found that the petitioner and A2 manipulated the stock register, as if the material have been despatched to one M/s G.P.R Resources, but the fact remains that they have not sent any stock to /s G.P.R Resources and misappropriated company resources. It is alleged that the accused have misappropriated company resources to the tune of two crores. Hence the complaint was registered.



3. The learned counsel for the petitioner submitted that the main accused is A2 and the role of the petitioner with regard to the affairs of the company is very limited and he has not received any orders from any prospective buyers and 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 from 25.08.2021. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready to deposit Rs.50,00,000/- (Rupees fifty Lakhs only) to the credit of Crime No.24 of 2021 and the same may be deposited to any interest bearing accounts.

4. The learned Government Advocate (Crl.Side) submits that the petitioner and A2 by creating fraudulent entries in the stock register have misappropriated the company resources for more than two crores. Hence he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that there is no previous case pending against the petitioner and the voluntary undertaking of the petitioner to deposit a sum of Rs.50,00,000/- (Rupees fifty Lakhs only) to the credit of Crime No.24 of 2021 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 Chief Metropolitan Magistrate Court, Egmore and on further condition that:

(a) the petitioner shall deposit a sum of Rs.50,00,000/- (Rupees fifty Lakhs only) to the credit of Crime No.24 of 2021 in an interest bearing deposit within a period of four weeks from the date of receipt of a copy of this order and submit the said deposit receipt before the Chief Metropolitan Magistrate Court, Egmore and a copy of the said deposit receipt shall also be submitted before the respondent police.

(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) In case of the petitioner failing to make such deposit with the prescribed time the respondent police shall take necessary action for getting the bail cancelled.

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



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

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

(g) 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;

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

-sd/-

24/09/2021

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 CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
EOW, CHENNAI.

+1 CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary charges SR.NO.10539

CRL OP.17443/2021

Date :24/09/2021

RW 27/09/2021