



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21059 of 2021

S.Vimalkumar

... Petitioner

Vs.

The State Rep.by the
The Inspector of Police,
District Crime Branch Police Station,
Tiruvallur, Tiruvallur District.
Crime No.46 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to release the petitioner on bail in Crime No.46 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.S.Anburaja

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 22.09.2021 for the offences under Section 406, 408, 409 and 420 of I.P.C in Crime No.46 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution the petitioner is working as Area Manager in Manapuram Finance Ltd at Kakkalur Branch for the period of employment misappropriated sum of Rs.18,16,752/- by creating forged documents towards pledging 628.50 gram gold jewels and swindled the said amount under various fake loan accounts. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that he has been suffering incarceration for more than 48 days from 22.09.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate would raise objection by stating that still investigation is pending and the misappropriated amount was not recovered. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and also considering the submissions made by both counsel, this Court is inclined to grant bail to the petitioner.

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-I, Tiruvallur, Tiruvallur District 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;



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

WEB COPY

-sd/-
10/11/2021

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, TIRUVALLUR, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
TIRUVALLUR, TIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.ANBURAJA Advocate on payment of necessary charges
SR.NO.12563

CRL OP.21059/2021

Date :10/11/2021

JPA 11/11/2021