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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM:

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

Crl.O.P.No.23945 of 2021

Vijay Varma

... Petitioner

Vs.

State Rep by its
The Inspector of Police
K-4 Anna Nagar Police Station
Anna Nagar,
Chennai.
(Crime No.702 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.702 of 2021 on the file of the respondent police.

For Petitioner : Mr.N.Vinayakamoorthy

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 15.11.2021 for the offences under Sections 467, 468, 471, 420, 120B of IPC 1860, in Crime No.702 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Prasanth Kannan, Proprietor of XMPLI5 Global Company received SMS alert from ICICI Anna Nagar Branch that from the bank account No.602705501192 a sum of Rs.2 lakhs has been debited on 16.10.2021. In turn, the said Prasanth Kannan informed the ICICI bank Manager that he did not deposit any cheque. Thereafter, after verification, the bank Manager lodged the complaint.



3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case since he happens to be the friend other accused. He would further submit that the petitioner is ready to abide by any condition that may be imposed on him and that he has been suffering incarceration for more than 25 days from 15.11.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) raised objection stating that the petitioner is arrayed as A1 and that a sum of Rs.2 lakhs has been misappropriated by misusing bank account but admits that the investigation is almost completed.

5. Considering the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.702 of 2021 and on such deposit, 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 V Metropolitan Magistrate, Egmore, Chennai, and on further conditions 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 on every Saturday at 10.30 a.m. until further orders. The petitioner shall also co-operate for the investigation.

(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.

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-sd/-

10/12/2021

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 V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
K-4 ANNA NAGAR POLICE STATION,
ANNA NAGAR, CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.N.VINAYAKAMOORTHY Advocate on payment of necessary charges SR.NO.14456

CRL OP.23945/2021

Date :10/12/2021

CSK 10/12/2021