



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

WEB COPY

CORAM:

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

Cr1.O.P.No.1264 of 2022

Kesavan

...Petitioner

Vs.

The Inspector of Police
DCB, Erode

...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.4 of 2019 on the file of the respondent police.

For Petitioner : Mr.C.Emalias

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

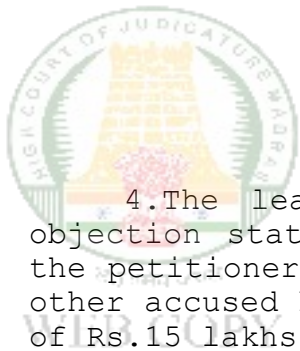
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 10.11.2021 for the offences under Sections 408 and 420 of IPC in Crime No.4 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Boobalan was appointed as one of the custodians by the Axis Bank, Coimbatore Branch who has to get money from the Bank and fill in the ATMs of that bank. On 05.01.2019, the said Boobalan received money to be filled in 8 ATMs in the Erode area. On verification it was found that a sum of Rs.1,32,74,400/- was not filled in the 8 ATMs. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been false implicated in this case. He would further submit that the co-accused/A2 and A5 have been released on bail by the lower Court and that the petitioner has been suffering incarceration for more than 70 days from 10.11.2021. Hence, he would pray for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would raise strong objection stating that there are totally 7 accused in this case and the petitioner is arrayed as A3. The petitioner in collusion with the other accused has committed the offence and that he has received a sum of Rs.15 lakhs towards his share.

5. Considering the facts and circumstances of the case and the fact that the co-accused have been released on bail by the lower Court and 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.

(a) Accordingly, the petitioner is directed to deposit a sum of Rs.7,00,000/- (Rupees Seven Lakhs Only) to the credit of Crime No.4 of 2019. On proof of such deposit, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-II, Erode, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

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

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

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-sd/-
21/01/2022

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 -II,
ERODE.

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

3 INSPECTOR OF POLICE,
DCB, ERODE.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.C.EMALIAS Advocate on payment of necessary charges
SR.NO.1007

CRL OP.1264/2022

Date :21/01/2022

INBA~24/01/2022