



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

Cr1.O.P.No.1626 of 2022

P.Vinothkumar

...Petitioner

Vs.

State rep. by
The Inspector of Police,
District Crime Branch,
Erode.
(Crime No. 11 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. 11 of 2021 pending investigation on the file of the Respondent police.

For Petitioner : M/s.V.Raghavachari

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 03.01.2022 for the offences under Sections 120 B, 408 and 420 IPC in Crime No. 11 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the complaint has been lodged against the office bearers of Erode Nethaji Daily Market Vegetable Seller Society stated that from 13.12.2014 to 31.07.2017, the society had collected funds from its members for providing free house sites and the funds so collected were misappropriated. Further it is alleged, that the funds were used towards purchase of immovable properties admeasuring an extent of 20.4 acres in the personal name of the office bearers of the society and the name of their family members vide 4 sale deeds and when the defacto



complainant who is a member had demanded for return of Rs.2,10,000/- being the amount collected from him as well as certain other members, it was refused. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the Society or its affairs and the petitioner is business man and he has filed income tax returns which would show that he had possessed sufficient funds to purchase the property and a false case has been foisted against the petitioner. He would further submit that the petitioner is ready to abide by any stringent condition even ready to deposit amount without prejudice to his contention and that he has been suffering incarceration for more than 25 days from 03.01.2022. Hence, he would pray for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would raise objection stating that A1 to A5 who are the office bearers of the Society had received a sum of Rs.2,10,000/- from the defacto complainant and also received amount from other members assuring that they would provide them free housing sites measuring 800 Sq.ft. But they had purchased 20.4 acres of land near Naiyanoor under four sale deed in their names and also in the name of A6 to A9 and that the petitioner is arrayed as A11 and he is one of the member in the Society and when the defacto complainant demanded to repay the amount received from him, they refused to repay the same.

5. Considering the fact above facts and circumstances of the case and 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.

(a) Accordingly, the petitioner is directed to deposit a sum of Rs.30,00,000/- (Rupees Thirty Lakhs Only) in the account of complainant's Society and 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 on every Wednesday 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

27/01/2022

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,
NO.II, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, GOBI CHETTIPALAYAM.



4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ERODE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. V.RAGHAVACHARI Advocate on payment of necessary
charges SR.NO.1268

CRL OP.1626/2022

Date :27/01/2022

RW 31/01/2022