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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3318 of 2022

Boovaragan

...Petitioner

Vs.

The State rep. by
The Inspector of Police
CCIW CID Cuddalore Police Station,
Cuddalore District.
(Crime No.1 of 2022)

... 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.1 of 2022 on the file of the respondent police.

For Petitioner : Mr.G.Balamanikandan

For Respondent : Ms.G.V.Kasthuri
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 28.01.2022 for the offences under Sections 120(B), 408, 471 & 477 (A) of IPC, in Crime No.1 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that during the annual auditing for the year 2016 to 2018, the defacto complainant found that the petitioner and another one accused, who are working in a Co-operative Society misappropriated the society amount to the tune of Rs.15,38,009/- and the same was repaid by them. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the respondent police registered a case against this petitioner alleging that being



incharge as a Secretary, he misappropriated amount of Rs.15,38,009/- in the society. He further submits that as of now the entire misappropriated amount was repaid by the petitioner and he is in judicial custody from 28.01.2022 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she admits that the entire misappropriated amount was repaid by the petitioner.

6. The submissions made by the learned counsel on either side are considered.

7. Admittedly, the entire misappropriated amount was recovered. Hence, in view of the above, further custodial interrogation may not be necessary for completing the investigation. Further the petitioner is in judicial custody from 28.01.2022.

8. Considering the above facts and circumstances and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner. The petitioner is ordered to be released on bail subject to the following conditions.

(a) the petitioner is ordered to be released on bail to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate No.II, Panruti.

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

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

(e) 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];

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



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

-sd/-
10/02/2022

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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,
PANRUTI.

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

3 THE INSPECTOR OF POLICE,
CCIW CID CUDDALORE POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1 CC to M/S. G.BALAMANIKANDAN Advocate on payment of necessary charges SR.NO.2174

CRL OP.3318/2022

Date :10/02/2022

INBA~10/02/2022