



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P. No.4270 of 2022

Manikandan

... Petitioner / Accused

versus

The State Rep. by
The Sub Inspector of Police
Srimushnam Police Station,
Cuddalore District.
(Crime No.4 of 2022)

... Respondent /Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.4 of 2022 on the file of the respondent police.

For Petitioner : Mr.K.R.Samratt

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.01.2022 for the offences punishable under Sections 420 and 406 of IPC in Crime No.4 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 03.01.2022, the de facto complainant in order to deposit cash in her bank account, entrusted a sum of Rs.24,000/- and passbook with challan to the petitioner and requested him to deposit the said amount in her account bearing A/c.No. 977538811, but the petitioner instead of depositing the amount in the said account, he deposited the said amount in his account bearing A/c.No. 6770576244 and thereby, cheated her. Hence, the complaint.

3. The learned counsel 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 amount misappropriated by the petitioner was recovered by the respondent



police and as of now, the petitioner is in judicial custody from 03.01.2022 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 fairly admits that, after securing the accused, the misappropriated amount was recovered by the respondent police.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioner for the offences punishable under Sections 420 and 406 of IPC. The allegation raised against this petitioner is that, during the relevant point of time, he received Rs.24,000/- from the de facto complainant and deposited the same in his account instead of depositing the amount in the de facto complainant's account. In the said circumstances, since the misappropriated amount was recovered as a material object, further custody of the petitioner may not be necessary for completing investigation.

6. Therefore, taking note of the above said aspects into consideration and having regard to the nature of offence committed by the petitioner and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall 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, Vridhachalam;

(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 is directed to appear before the respondent police at 10.00 a.m. until further orders;

(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.

WEB COPY

-sd/-

22/02/2022

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, VRIDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
SRIMUSHNAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.R.SAMRATT Advocate on payment of necessary
charges SR.No.2719

CRL OP.4270/2022

Date :22/02/2022

CSK 22/02/2022