



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.8653 of 2022

Ajay

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
T-15 SRMC Police Station,
SRMC, Chennai
(Crime No.177 of 2022)

.. Respondent

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.177 of 2022, on the file of the Inspector of Police, T-15, SRMC Police Station, SRMC, Chennai.

For Petitioner : Mr.N.Vinayakamoorthy.

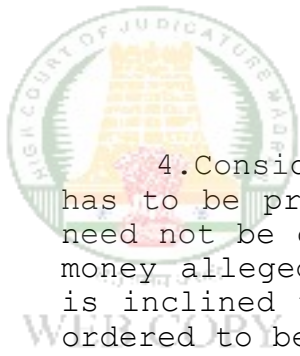
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested for the offences punishable under Section 408, 420, 477(A) read with Section 34 of IPC 1860 in Crime No.177 of 2022, on the file of the respondent police, seeks bail.

2. This petitioner along with the other accused by name Naresh had misappropriated totaling a sum of Rs.3,10,000/- from the defacto complainant account through Paytm transfer. The petitioner was arrested on 21.03.2022.

3.Learned counsel for the petitioner submits that the police has recovered 3 grams of gold jewellery from this petitioner, which was purchased from the misappropriated money and also submitted that the petitioner is ready to deposit the money alleged to have been misappropriated by him without prejudice to his right to defend the case and prove his innocence.



4.Considering the fact that the allegation of misappropriation has to be probed further and for that purpose, the petitioner herein need not be confined in prison any longer provided if he deposits the money alleged to have been misappropriated. Accordingly, this Court is inclined to grant bail to this petitioner and the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall deposit Rs.1,50,000/- to the credit of Crime No.177 of 2022 without prejudice to the rights to defend his case and proof his innocence and shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Poonamallee, Thiruvallur.

(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 Investigating Officer as and when required.

(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.

-sd/-

20/04/2022

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.I, POONAMALLEE, THIRUVALLUR.



2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T-15, SRMC POLICE STATION,
SRMC, 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.5870

CRL OP.8653/2022

Date :20/04/2022

CSK 21/04/2022