



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.10020 of 2022

Naresh

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
T-15, SRMC Police Station,
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 /Accused in Crime No.177 of 2022 on the file of the respondent police, T-15, SRMC, Police Station, Chennai.

For Petitioner : Mr.V.Balamurugan

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

O R D E R

The petitioner, who was arrested on 21.03.2022 for the offences punishable under Sections 408, 420, 477A, 34 of IPC in Crime No.177 of 2022, seeks bail.

2. The petitioner is a petrol bunk employee, who was arrested on 21.03.2022 on the allegation that he along with Accountant by name Ajay has misappropriated the defacto complainant's sale proceeds to the tune of Rs.3,10,000/-.

3.Learned counsel for the petitioner states that this petitioner is only pump attender and the alleged misappropriation was done by the other accused by name Ajay, who has transferred the money paid by the customers by PayTM card in his account instead of the account of the defacto complainant and this petitioner is no way connected with the crime.

4. Considering the fact that the petitioner was arrested on 21.03.2022 and out of misappropriated amount of Rs.3,10,000/-, Rs.1,27,371/- was credited in the account of the petitioner, this



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

(a) the petitioner shall deposit a sum of Rs.1,00,000 /- to the credit of Crime No.177 of 2022 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-I, Poonamalle;

(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 daily at 10.30 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.

-sd/-

28/04/2022

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

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)



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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S.V.BALAMURUGAN Advocate on payment of necessary
charges Sr.6428

CRL OP.10020/2022

Date :28/04/2022

RVR 29/04/2022