



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.10945 of 2022

S.PRABHU

[PETITIONER / ACCUSED]

Vs

[RESPONDENT]

STATE REP BY
THE INSPECTOR OF POLICE,
CCIW-CID POLICE STATION,
SALEM DISTRICT.
(CRIME NO.1 OF 2022)

For Petitioner : M/S.G.PUNNIAKOTI Advocate

For Respondent : MR.S.SANTHOSH Govt. Advocate (Cr1. Side)

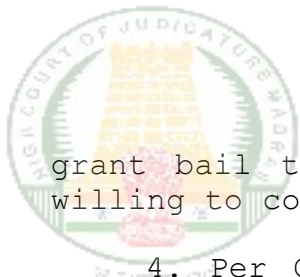
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 18.03.2022 for the alleged offences under Sections 408, 409, 465, 468, 471, 477A and 120B of IPC in Crime No.1 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who has been arrayed as A2 in this case was working as the President of the Co-operative Society, A1 was working as the Secretary of the Society and both of them together misappropriated a sum of Rs.24,91,980/- and caused loss to the Society.

3. The learned counsel for the petitioner submitted that the petitioner was functioning as the President in the Society for the period from 2016 to 2020. He was not working as the President during the period from 2011 to 2015. Even according to the case of the prosecution, the total amount that was misappropriated during the period from 2016-2020 was a sum of Rs.5 Lakhs and this amount has already been settled by the petitioner in the year 2020 itself. To substantiate the same, the learned counsel for the petitioner also produced the receipts issued by the Salem District Central Co-operative Bank Limited on 09.01.2020, 23.01.2020 and 28.05.2020. The learned counsel submitted that the petitioner has already suffered incarceration for nearly 67 days and hence, requested this Court to



grant bail to the petitioner and submitted that the petitioner is willing to comply with any conditions imposed by this Court.

4. Per Contra, the learned Government Advocate (Criminal Side) submitted that the petitioner along with A1 had caused total loss of Rs.24,91,980/- to the Society and the amount is yet to be recovered. The learned Government Advocate (Crl. Side) further submitted that the offence is grave in nature and hence, sought for dismissal of the petition.

5. This Court has carefully considered the submissions made on either side and materials available on records.

6. The specific case of the prosecution is that for the period of 2016-2020, total loss that was caused to the Society was to the tune of Rs.5 Lakhs. It is seen that this amount has been settled by the petitioner and the same is substantiated through the receipts that have been issued by the Salem District Central Co-operative Bank Limited. The petitioner has already suffered incarceration for 67 days. No useful purpose would be served in keeping the petitioner behind bars and the petitioner can be enlarged on bail by subjecting him to some stringent conditions that will enable the prosecution to atleast complete the investigation and file a final report. In view of the above, this Court is inclined to enlarge the petitioner on bail by imposing some stringent conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Salem, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police on every Monday at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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/-
18/05/2022

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.IV,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT

3 THE OFFICER INCHARGE,
SUB JAIL, ATTUR.

4 THE INSPECTOR OF POLICE,
CCIW-CID POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS-104.

+1 CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary charges Sr.7204

CRL OP.10945/2022

Date :18/05/2022

srg18/05/2022