



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.11296 of 2022

SURESHKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
R1, MAMBALAM POLICE STATION,
CHENNAI.
(CRIME NO.58/2022)

[RESPONDENT]

For Petitioner : M/S.M.PREMKUMAR Advocate

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

For Intervenor : MR.A.M.ASHOKAN, Advocate

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 06.04.2022, for the alleged offence under Section 381 of I.P.C., in Crime No.58 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was working as a Collecting Agent in a private Company. In the course of his duty, the petitioner had collected a sum of Rs.3,00,000/- from a customer and this amount was not accounted and it was swindled by the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and that he has nothing to do with the alleged offence. The learned counsel further submitted that the petitioner has already suffered incarceration for more than 40 days. The learned counsel also submitted that the petitioner is willing to co-operate for the investigation and willing to comply with any condition imposed by this Court.



4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent submitted that no amount has been recovered till date and investigation is still pending.

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5. The learned counsel appearing for the intervenor submitted that apart from this incident, there was yet another incident where the Collecting Agent swindled the amount belonging to the Company and the petitioner was actively involved in that incident also. Therefore, the learned counsel for the intervenor vehemently opposed for grant of bail to the petitioner, more particularly, since no amount has been recovered from the petitioner.

6. This Court has carefully considered the submissions made on behalf of either side and the materials available on record.

7. It is a specific case of the prosecution that the petitioner has swindled a sum of Rs.3,00,000/- belonging to the Company by not accounting for the same, inspite of collecting it from the customer in his capacity as Collecting Agent. The petitioner has suffered incarceration for more than 40 days. No amount has been recovered by the respondent police, till date. No useful purpose would be served in keeping the petitioner behind bars. It will be more appropriate, if the petitioner is enlarged on bail by imposing stringent conditions. Atleast, that will ensure that there is some progress in the investigation and the amount is also able to be recovered in the course of the investigation.

8. In view of the above discussion, this Court is inclined to enlarge the petitioner on bail subject to the following conditions:

9. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, out of which, one surety shall be a blood relative, each for a like sum to the satisfaction of the learned XVII Metropolitan Magistrate, Saidapet, and on further conditions that:-

[a] The petitioner shall deposit a sum of Rs.1,50,000/- to the credit of Crime No.58 of 2022, on the file of the XVII Metropolitan Magistrate, Saidapet.

[b] 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.

[c] the petitioner shall report before the respondent police daily at 6.30 p.m, until further orders.



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

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XVII METROPOLITAN MAGISTRATE,
SAIDAPET.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
R1, MAMBALAM POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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+1CC to M/S.M.PREMKUMAR
charges SR.NO.7187

Advocate on payment of necessary

CRL OP.11296/2022

Date :18/05/2022

CSK 18/05/2022