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CrI.OP.No.17969 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.17969 of 2022

P.Suresh

...Petitioner

Vs.

The Inspector of Police,
Aavadi CCB,
Chennai.

(Cr.No.02/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner in bail in Cr.No.02/2022 on the file of
respondent police.

For Petitioner	: Mr.A.Suresh
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor
For Intervenor	: Mr.MVVN.Sivanthy

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 09.06.2022 for the offences punishable under Sections 408,
420,120(b) R/W 34 of IPC in Crime No.02 of 2022 on the file of the



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respondent police, seeks bail.

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2. The case of the prosecution is that *de-facto* complainant/WABCO India Limited, is having more than 6000 employees and in which the petitioner is an Assistant from 22.10.2015. The Company is having its own PF Fund scheme named “Wabco India Provident Fund Scheme” for the easy access of PF fund to the employees. When the petitioner was in service, the petitioner along with other accused had transferred the PF amount of nearly 126 employees and trainees by creating forged accounts in the name of fictitious persons and transferred the amount to the close relatives and friends. They also forged the account naming those in the name of Ghost Trainees, by collecting the drop out employees personal data for the use of PF amount and final settlement. Thereby, the petitioner and other accused persons misappropriated to the tune of Rs.6,96,00,000/- from 721 staff account of the Company. During the management control review held in October 2020, this misappropriation was found. For which, they engaged a detective agency named Nishith Desai Associates and also found out the forgery committed by the A1 that he had transferred the amount to 5



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various accounts and having 26 accounts of friends and family members.

Four accounts related to petitioner/A4 obtained.

3. There are totally 6 accused, in which the petitioner is arrayed as A4. That apart, as far as the petitioner is concerned, the *de-facto* complainant filed a Civil Suit for recovery of money in O.S.No.403 of 2022 to the tune of Rs.7,00,000/-.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., on 09.06.2022, this Court is inclined to grant bail to the petitioner. 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 Poonamallee Judicial Magistrate-II** 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.



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[b] the petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

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

[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 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.

01.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Poonamallee Judicial Magistrate-II.
- 2.The Inspector of Police,
Aavadi CCB,
Chennai.
- 3.Central Prison Puzhal at
Chennai.
- 4.The Public Prosecutor,
High Court of Madras

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