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Crl.OP.No.21972 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21972 of 2022

Venkatesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
B-1, Sivakanchi Police Station,
Kancheepuram District.

(Crime No.567/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.567 of 2022 on the file of the respondent.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.07.2022 for the offences punishable under Sections 406, 419, 420, 465 & 471 of IPC, in Crime No.567 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who was the Customer Care Executive, by manipulating the KYC details and fabricating the signatures of the customers had misappropriated the amount to the tune of Rs.7,00,000/- from the accounts of the customers. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been made a scapegoat in the proceedings. He would further submit that even as per the prosecution a sum of Rs.5,00,000/- has been recovered from the petitioner. He would also submit that the entire case of prosecution is borne out by documents and hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was working as a Customer Care Executive and by fabricating and tampering of records, swindled an amount to the tune of Rs.7,00,000/- from the accounts of the bank customers. He would further submit that the investigation is pending and a sum of Rs.5,00,000/- has been recovered from the petitioner. He would also submit that there is no previous case as against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner are ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Kancheepuram**, 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 everyday at 10.30 a.m., until further orders;

[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



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in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

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

12.09.2022

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To

1. The Judicial Magistrate No.I,
Kancheepuram.
2. The Inspector of Police,
B-1, Sivakanchi Police Station,
Kancheepuram District. .
3. The Sub Jail,
Kancheepuram.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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