



Crl.O.P.No.22493 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

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

Crl.O.P.No.22493 of 2022

V.Kesavan

..Petitioner

Vs.

The State by
Inspector of Police,
EDF & Forgery Wing,
Central Crime Branch,
Chennai-600 119.
(Crime No.569 of 2022).

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.569 of 2022 on the file of the respondent police for the alleged offences U/s.464, 465, 466, 467, 409, 419, 406 and 420 r/w 120(b) IPC.

For Petitioner : Mr.L.Pachaiyappan

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.07.2022 for the offence punishable under Sections 120(B), 464, 465, 466, 467, 409, 419, 406 and 420 r/w 120(b) IPC in Crime No.569 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one, Ambika Devi, Assistant Manager of M/s.Muthoot Finance Ltd., along with her colleagues one, Ganesh Kumar and Ramesh, A2 and A3 in the case who all are joint custodians of the key of the strong room where the gold pledged by the customers were kept had dishonestly took the gold ornaments and re-pledged the same in the name of some of the customers V.Kesavan, Anand.C, Parthiban Shanmugam, H.Kokila and took the money and misappropriated the same. Thereby, the staff of the defacto complainant company arrayed as A1 to A4 in the case have committed the offence. To commit such unlawful acts, those accused were alleged to have used some of the customers of the defacto complainant company. The petitioner being implicated in the case as he is one of the customers of the defacto complainant company. Hence, the complaint.



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3. The learned counsel for the petitioner would submit that the petitioner himself is a victim and he has been cheated by the Assistant Manager i.e. Ambika Devi-A1 to the tune of 95 sovereigns of his gold ornaments. Only after his arrest, the petitioner came to know about the alleged unlawful activities of the said Ambika Devi. He would further submit that the petitioner was arrested and remanded to judicial custody on 03.07.2022. He would further submit that the co-accused has been arrested and released on bail. Hence, he prays for grant of bail to the petitioner.

4. The Additional Public Prosecutor appearing for the respondent police would submit that the petitioner colluded with the other accused and re-pledged the jewels in his name and misappropriated the company's money. He would further submit that this is the second bail petition filed by the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case,



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taking note of the fact that the petitioner is in judicial custody from 03.07.2022, this Court is inclined to grant bail to the petitioner.

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 blood related sureties**, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Alandur 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 daily at 10.30 a.m., and 05.30 p.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



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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.

19.09.2022

mn/gd

G.K.ILANTHIRAIYAN, J.



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mn

To

1.The Judicial Magistrate-II, Alandur

2.The Inspector of Police,
EDF & Forgery Wing,
Central Crime Branch,
Chennai-600 119.

3.The Central Prison, Puzhal.
Chennai.

4.The Public Prosecutor,
High Court of Madras

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