



CrI.O.P.No.23978 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

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

CrI.O.P.No.23978 of 2022

Kumaravel Muruganantham

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Avadi – CCB.
(Crime No.2 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.2 of 2022 on the file of
the respondent Police, Avadi – CCB.

For Petitioner : Mr.S.Vishnu

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



Crl.O.P.No.23978 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.08.2022, for the offences punishable under Sections 408, 420, 34 and 120(b) of IPC, in Crime No.2 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, G.Gopinathan, Assistant General Manager/HR of WABCO India Limited, Chennai-58 is that one Tychicus Vivek Kumar along with the other staff members entered into a criminal conspiracy and by tampering with the staff records and by forgery, have transferred an amount to the tune of Rupees 6 crores 96 lakhs as if they were deducted for Provident Fund and by manipulating records, have taken all the amount and cheated the company.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, since, he happens to be working under the team of the main accused, Tychicus Vivek Kumar. He would also submit that even as per the



Crl.O.P.No.23978 of 2022

complaint, the said transaction is alleged to be committed from the period 2016 onwards and the petitioner had joined the company only on 10.10.2018 as a Trainee and he was confirmed in the year 2019. He would further submit that the petitioner is in custody for the past 61 days and the main accused in this case namely Tychicus Vivek Kumar/A1 has been granted bail in C.M.P.No.2788 of 2022, Damodharan/A5 has been granted bail in C.M.P.No.2787 of 2022 dated 08.08.2022 by the lower Court and A7 has been granted bail by this Court in Crl.O.P.No.17969 of 2022 dated 01.08.2022. He would also state that the defacto complainant company has also filed a suit in O.S.No.463 of 2022 before the learned District Judge, Tiruvallur. He would further state that the entire case of the prosecution is borne out by records and the further custody of the petitioner may not be required. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with the other employees of the defacto complainant company, by fabrication of documents and including non existence employees, have stipend a sum of Rupees 6



Crl.O.P.No.23978 of 2022

crores 96 lakhs intended for provident fund to their account and they have cheated the company. He would also submit that as far as this petitioner is concerned, he has received an amount of Rs.9,50,000/- in the transaction. He would also submit that some of the accused have been enlarged on bail. Therefore, he vehemently opposed for grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the petitioner is in custody from 10.08.2022 and the entire case of the prosecution is borne out by documents, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail



Crl.O.P.No.23978 of 2022

on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-1, Poonamallee**, 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., for a period of four weeks and thereafter, every Saturday 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



Crl.O.P.No.23978 of 2022

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.

10.10.2022

rgi

To

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



WEB COPY



Crl.O.P.No.23978 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No.23978 of 2022

10.10.2022