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Crl.O.P.No.24872 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

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

Crl.O.P.No.24872 of 2022

Anbazhagan

... Petitioner

Vs.

The State by Inspector of Police,
Central Crime Branch Police,
Avadi, Chennai - EDF-I.

(Crime No.172 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in connection with the above said
Crime No.172 of 2019 on the file of the respondent Police.

For Petitioner : Mr.S.Nagarajan

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

For Intervener : Mr.P.Sathyanathan



Crl.O.P.No.24872 of 2022

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.08.2022 for the offences punishable under Sections 408, 465, 468, 477A, 420 r/w 34 of IPC in Crime No.172 of 2019 on the file of the respondent Police, seeks bail.

2. The case of the Prosecution is that the petitioner along with the other accused, who were working in M/s.Bhawar Sales Corporation, joined together and misappropriated the funds to the tune of Rs.12,88,67,099/-. Hence, the case.

3. The learned Counsel appearing for the petitioner would submit that the petitioner, who was worked as the system operator of M/s.Bhawar Sales Corporation, is an innocent person. He would further submit that only based on the input given by the superiors, he made an entry in the system and other than that he has nothing to do with the transaction. He would further submit that some of the similarly placed co-accused has been granted with



Crl.O.P.No.24872 of 2022

anticipatory bail in Crl.O.P.No.8289 of 2022 dated 30.06.2022. He would also submit that the petitioner is in custody from 26.08.2022 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who was arrayed as A22, along with the other accused by tampering with the system and by fabricating the documents have cheated the de-facto complainant to the tune of Rs.12,88,67,099/-. He would also submit that the investigation is pending and hence, he oppose to grant bail to the petitioner.

5. The learned counsel for the intervener would submit that the petitioner along with the other accused have acted in a systematic manner and they have tampered the system and by making false entries, cheated the de-facto complainant to the tune of Rs.12,88,67,099/-. He would also submit that the petitioner is a system operator and he had played a major role in the transaction. Hence, he oppose to grant bail to the petitioner.



Crl.O.P.No.24872 of 2022

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

7. Taking into consideration the facts and the submissions made by the learned Counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.1, Poonamallee**, and on further conditions that:

[a] the petitioner shall deposit the original title deeds of the immovable property worth about Rs.10lakhs either belonging to himself or family members or friends, at the time of executing the sureties;



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Crl.O.P.No.24872 of 2022

[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 everyday at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness 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]**;



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CrI.O.P.No.24872 of 2022

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

18.10.2022

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To

1. The Judicial Magistrate Court,
No.1, Poonamallee.
2. The Inspector of Police,
Central Crime Branch Police,
Avadi, Chennai - EDF-I.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.24872 of 2022

A.D.JAGADISH CHANDIRA,J.

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Crl.O.P.No.24872 of 2022

18.10.2022