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Crl.O.P.No. 24893 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

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

Crl.O.P.No. 24893 of 2022

T.Ashok

... Petitioner

Vs.

The State rep. by
Inspector of Police,
HUDCO Police Station,
Krishnagiri District.
(Crime No.234 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.234 of 2022 on the file
of the respondent police.

For Petitioner : Mr.M.Sathish Kumar

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 24.08.2022, for the offences punishable under Sections 406, 408 & 420 of IPC, in Crime No.234 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant M.V.Sainath Reddy, is that the accused, who is the Manager in the company of the defacto complainant along with the other accused by fabrication of documents and manipulating the computer system, indulged in various fraudulent practices and made wrongful gain to the tune of Rupees One Crore 40 Lakhs and thereby, caused loss to the company of the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been given as against the petitioner. He would also submit that the petitioner has been working as a Manager and there had been some fraudulent activities done by the de-facto



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complainant and in order to escape from law, a false complaint has been given as against the petitioner. He would also submit that even before the registration of the case, the petitioner was taken into illegal custody of the defacto complainant and a original title deed of the house site property vide Document No.13752 of 2011 has been taken by the defacto complainant. He would further submit that the petitioner is in custody for more than 52 days and major part of the investigation in respect of the petitioner is over. He would also state that as per the complaint, the case of the prosecution is borne out of documents. 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, who was working as a Manager in the company of the defacto complainant, along with the other accused by fabrication of documents and manipulating the computer system, indulged in various fraudulent practices and misappropriated an amount to the tune of Rupees One Crore 40 Lakhs. He would also submit that no recovery has been made so far. He would further submit that the other



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accused is absconding and investigation is also pending. Hence, he vehemently opposed to grant 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 and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Hosur, Krishnagiri District**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate No.2,
Hosur, Krishnagiri District.
2. The Inspector of Police,
HUDCO Police Station,
Krishnagiri District.
3. The Central Prison,
Vellore, Vellore District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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