



Crl.O.P.No.26389 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

Crl.O.P.No.26389 of 2022

Praveen Moses

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
M2-Milk Colony Police Station,
Chennai District.

(Crime No.377/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.377
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.Naresh

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 27.09.2022 for the offences punishable under Sections 294(b), 406, 420, 506(i) of IPC r/w 34 of IPC, in Crime No.377 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that in a business transaction, the petitioner misappropriated an amount of Rs.7,50,000/- from the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioner would submit that the case of a partner ship dispute has been projected as a case of criminal breach of trust and misappropriation of funds. He would submit that the petitioner and the defacto complainant were running a cake shop and there was a business dispute, a false complaint has been given against him. He would further submit that the petitioner is suffering incarceration from 27.09.2022 and therefore, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate would submit that the petitioner induced the defacto complainant and made him to invest an amount of Rs.7.5 lakhs in a business and thereafter, the petitioner had committed criminal breach of trust and misappropriated an amount of Rs.7.5 lakhs. Hence, he vehemently opposed for grant of bail to the petitioner.

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

6.Taking into consideration the facts and submissions of the learned counsel and also the period of incarceration and the relationship between the petitioner and the defacto complainant has stated to be a business transaction, 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)** with **two sureties**, each for a like sum to the satisfaction of



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the learned District Munsif cum Judicial Magistrate, Madhavaram,
Chennai 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., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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]**;



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

01.11.2022

vkrr

To

1. The District Munsif cum Judicial Magistrate,
Madhavaram, Chennai.
2. The Inspector of Police,
M2-Milk Colony Police Station,
Chennai District.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

Vkr

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