



Crl.O.P.No.28194 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

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

Crl.O.P.No.28194 of 2022

Sasikumar

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Thiruvottiyur Police Station,
Thiruvottiyur.

(Crime No.700 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased
to enlarge the petitioner on bail pending investigation in Crime No.700 of 2022
on the file of the respondent Police.

For Petitioner : Mr.P.Pugalenth

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 08.10.2022, for the offences punishable under Sections 409, 464, 465, 468, 477A, 420 IPC, in Crime No.700 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Esudoss, who is working as a Risk Manager in the Equitas Small Finance Bank, Thiruvottiyur is that the accused who are all the collection agents of the Bank, have received the loan amount from various customers and not deposited the same to the bank and have mis-appropriated the amount to the tune of Rs.7,32,236/-. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person. He further submitted that the petitioner other than being the Branch Manager in the Equitas Small Finance Bank, Thiruvottiyur, he has nothing to do with the alleged offence. He also submitted



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that the de-facto complainant had given the details of the persons who are stated to have deposited the amount and the persons who have collected the amount, in the complaint, wherein, the name of the petitioner does not find a place. He further stated that even as per the prosecution, the petitioner has not received any amount from the customer and he has been unnecessarily roped in in this case and he is in custody from 08.10.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner (A1), who is an in-charge for collecting loans from the customers, along with the other accused have collected the loan amount from various customers and misappropriated to the tune of Rs.7,32,236/-, by not depositing the same in the bank. Hence, he 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 including the First Information Report.



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6. Taking into consideration the facts and the submissions made by the learned counsel and on perusing the details in the First Information Report and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

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 the **learned Judicial Magistrate, Thiruvottiyur**, 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, everyday 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,



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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.

17.11.2022

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To

1. The Judicial Magistrate, Thiruvottiyur.
2. The Inspector of Police,
Thiruvottiyur Police Station,
Thiruvottiyur District.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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