



Crl.O.P.No.30728 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.12.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.30728 of 2022

Kumar,
S/o.Sekar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
District Crime Branch,
Villupuram,
Villupuram Dt.
(Crime No.37 of 2022)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.37 of 2022 on the file of respondent police.

For Petitioner : Mr.R.Sundar

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.11.2022 for the alleged offence punishable under Sections 294(b), 420, 465, 468, 471, 482, 120-B and 506(i) I.P.C. in Crime No.37 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is Manager of defacto complainant's company, along with other accused said to have obtained a loan of Rs.12 lakhs by producing forged documents from Shriram Transport Finance Company Ltd., Mayilam Branch, Villupuram District for the purpose of purchasing Ashok Leyland Tipper. After sanctioning loan, they purchased the vehicle and paid two months instalments and subsequently, they dropped due amount. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that he has not misappropriated any fund of defacto complainant, however, he alone not responsible for disbursement of loan amount,



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because without approval of higher officials, he cannot disburse it to borrowers. He would submit that he is an innocent person, he has not committed any offence as alleged by the respondent police and he has been falsely implicated in the present case. He would submit that he undertakes to abide any stringent condition that may be imposed by this court and he is in custody for more than 38 days from 02.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that totally, there are four accused involved in this case and no previous case pending against the petitioner. He would submit that the petitioner colluding with other accused created fake documents and obtained loan from the said company and thereafter, the amount was transferred to the account of A4 and subsequently, all the accused persons have shared the amount. He would submit that he is the earlier Manager of the said company and he has shared the said amount. He would submit that the investigation is almost completed and if he is released on bail, he would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioner.



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5. Considering the fact that totally, four accused and all the accused are arrested and the investigation is almost completed, and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of Crime No.37 of 2022 within a period of three weeks from the date of receipt of copy of this order** and on such deposit, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Tindivanam** and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall appear before the



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respondent police on every Monday at 10.30 a.m. for the period of two weeks;

(c) the petitioner shall not commit any offences of similar nature;

(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 Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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- 1.The Judicial Magistrate No.2,
Tindivanam.
- 2.The Inspector of Police,
District Crime Branch,
Villupuram, Villupuram Dt.
- 3.The Superintendent,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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