



Crl.O.P.No.7252 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

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

Crl.O.P.No.7252 of 2023

M.Manimaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Reddiarpalayam Police Station,
Puducherry.

(Crime No.30 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.30
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Ganeshan

For Respondent : Mr.K.S.Mohandas
Public Prosecutor (Puducherry)
Assisted by, Mr.A.Alexander
Government Advocate (Crl.Side)



Crl.O.P.No.7252 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.02.2023, for the offences punishable under Sections 468, 471, 420 r/w 34 of IPC, in Crime No.30 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant has purchased a lorry bearing registration No.TN-67-BE-6403 from one Vignesh hailing from Virudhunagar District and it was subjected to hypothecation with HDB financial services, Namakkal Branch and the EMI was also regularly paid and all the original documents are available with de-facto complainant. While so, A1 joining hands with A2, who was an employee of Tata Motors Finance Solution, had created records and availed a vehicle loan from Tata Motors Finance Solution, Puducherry for a sum of Rs.15,98,224/- and the same was transferred to the account of A1. Thereafter, while the lorry was on transit carrying goods from Tamil Nadu to Solapur, the staff attached to the Tata Motors Finance Solution intercepted the lorry and taken the lorry along with the goods to yard. Hence the case.



Crl.O.P.No.7252 of 2023

WEB COPY

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been roped in this case, as a field officer who is stated to have process the loan application given by other accused. He also submitted that the petitioner was arrested on 25.02.2023 and he is in custody for more than 40 days. He also submitted that the entire documents have been seized and even as per the prosecution, none of the amount have gone into the account of the petitioner and he has been made as a scape goat in the proceedings. Hence, he prayed to grant bail to the petitioner.

4. Mr.A.Alexander, Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner (A3), who was a field officer in a Tata Motors Finance Solution, along with Sales Manager (A2) and other accused, has fabricated the documents and has claimed as if they have issued loan to a lorry bearing registration No.TN-67-BE-6403, belonging to the de-facto complainant and swindled the money. He further submitted that investigation in this case is pending, therefore, he vehemently opposed to grant bail to the petitioner.



Crl.O.P.No.7252 of 2023

5. At this juncture, the learned Counsel for the petitioner submitted that the entire case of the prosecution is borne out by documents. He also submitted that the petitioner is prepared to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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 III, Puducherry**, and on further conditions that:



Crl.O.P.No.7252 of 2023

[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, 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.

10.04.2023

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Crl.O.P.No.7252 of 2023

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To

1. The Judicial Magistrate III,
Puducherry.
2. The Inspector of Police,
Reddiarpalayam Police Station,
Puducherry.
3. The Central Prison,
Kalapet,
Puducherry.
4. The Public Prosecutor (Puducherry),
High Court of Madras.



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Crl.O.P.No.7252 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.7252 of 2023

10.04.2023