



CrI.O.P.No.9163 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

CrI.O.P.No.9163 of 2023

A.Gajendaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Economic Offence Wings,
Vellore District.

(Crime No.3 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.3 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : M/s.S.P.Arthi

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 04.04.2023, for the offences punishable under Sections 120B, 406, 477(A), 408, 409, 467 and 471 of IPC, in Crime No.3 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who was working as a Secretary in the Police Co-operative Society, Vellore, along with 13 other accused by fabrication of documents and manipulation of records, had misappropriated the society funds to the tune of Rs.1,93,44,780/-. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is an innocent person, was working as a Secretary in the Police Co-operative Society, Vellore and the Co-operative Authorities have conducted enquiry under Section 81 of the Co-operative Societies Act and liability of Rs.89,60,000/- was fixed on the petitioner and the petitioner has also deposited the amount and apart from that four houses of the petitioner have also been attached. He further submitted that the petitioner is in judicial



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custody from 04.04.2023 and the major part of the investigation has been completed. He further submitted that the case of the prosecution is borne out by the records and further custody of the petitioner may not be required for the purpose of investigation. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for respondent submitted that the petitioner, who was working as a Secretary in the Police Co-operative Society, Vellore, along with 13 other accused by fabrication of documents and manipulation of records, had misappropriated the society funds to the tune of Rs.1,93,44,780/-. He further submitted that after conclusion of the surcharge proceedings, the liability on the petitioner was fixed at Rs.89,60,000/- and he has paid the said amount and four of his houses have also been attached. He also submitted that the investigation is still pending. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the fact that the petitioner has deposited a sum of Rs.89,60,000/- and four of his houses have been attached and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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.II, Vellore** 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., for a period



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of three weeks and thereafter, on every Saturday 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.

26.04.2023

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A.D.JAGADISH CHANDIRA.,J.



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To

1. The Judicial Magistrate No.II
Vellore.
2. The Inspector of Police,
Economic Offence Wings,
Vellore District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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