



Crl.O.P.No.9525 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

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

Crl.O.P.No.9525 of 2023

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sankarapuram Police Station,
Sankarapuram,
Kallakurichi District.

(Crime No.403 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.403 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.Anandaraj

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 14.03.2023, for the offences punishable under Sections 409 & 420 of IPC, in Crime No.403 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Iyannar, who is working as a Branch Manager in Madhura Micro Finance Private Limited, Sankarapuram Branch is that the accused had cheated the company, by misappropriating a sum of Rs.18,26,064/-, which was collected from 672 members. Hence, the case.

3. Learned counsel appearing 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 was working only as a collection agent in the de-facto complainant's company and he has deposited all the collection amount, whereas, due to the shortage of funds in the finance, the de-facto complainant had given a false complaint as against the



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petitioner and others, as if, the petitioner along with others have misappropriated the amount. He also submitted that one the co-accused has been granted bail by this Court in Crl.O.P.No.9401 of 2023 vide order dated 27.04.2023. He further submitted that the major part of the investigation is over and the petitioner is in custody from 14.03.2023 and further submitted that the petitioner is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for respondent submitted that the petitioner along with other accused jointly had misappropriated the company's amount to the tune of Rs.18,26,064/-, which was collected from 672 members. He further submitted that investigation in this case is still pending and also submitted that no previous case is pending as against the petitioner, however, he vehemently opposed for grant of 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.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the co-accused has been granted bail by this Court and also considering the period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sankarapuram**, 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;



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[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.

28.04.2023

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To

1. The Judicial Magistrate,
Sankarapuram.
2. The Inspector of Police,
Sankarapuram Police Station,
Sankarapuram,
Kallakurichi District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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