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CrI.OP.No.9973 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.9973 of 2023

Santhosh

... Petitioner/A1

Vs.

State Rep by
Inspector of Police,
D-2, Selvapuram Police Station,
Coimbatore District.
Crime No.70/2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.70 of 2023 on the file of the respondent Police.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : A.Damodaran
Additional Public Prosecutor

For Intervenor : Mr.A.Ramesh,
Senior Counsel
for Mr.T.Thilageswaran



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.04.2023 for the offences punishable under Sections 408 & 420 of IPC in Crime No.70 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused are alleged to have misappropriated a sum of Rs.28,59,800/-. Based on his complaint, a case in Crime No.70 of 2023 came to be registered by the respondent police. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is working as Admission Coordinator in the defacto complainant's institution and he had collected a sum of Rs.51 lakhs from 51 students and the same was not accounted to the account of the defacto complainant. Hence, he vehemently opposed to grant bail to the petitioner.



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5. The learned senior counsel appearing for the defacto complainant would submit that the petitioner has a master-brain and he along with other accused colluded together and misappropriated a sum of Rs.28,59,800/-. Hence, he opposed to grant bail to the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner is ready and willing to deposit substantial amount, which was allegedly failed to deposit to the credit of the College account for consideration of bail.

7. Considering the facts and circumstances and the submission made by the learned counsel for the petitioner and also the period of incarceration of the petitioner from the date of his arrest i.e., on 05.04.2023, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is directed to deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the credit of Crime No.70 of 2023 and on such deposit 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 blood related sureties, each for a like sum to the



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satisfaction of the learned Judicial Magistrate No.V, Coimbatore 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 daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter, as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

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To

1. The Judicial Magistrate -V,
Coimbatore.
2. The Inspector of Police,
D-2, Selvapuram Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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