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Crl.O.P.No.9992 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

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

Crl.OP.No.9992 of 2023

S.Sanjai @ Samson Sanjai

... Petitioner/ Accused

Vs.

The State Rep by
The Inspector of Police,
E-3, Saravanampatti Police Station,
Coimbatore.
(Crime No.129 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.129 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.B.Sivaraman

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.03.2023 for the offences punishable under Section 381 of IPC in Crime No.129 of 2023 on the file of the respondent police, seeks bail

2. The case of the prosecution is that the petitioner was working under the defacto complainant. During his service, the petitioner received a sum of Rs.48,000/- on various dates from the defacto complainant also handed over a laptop to the petitioner for official purpose. Subsequently, the petitioner went to his native place along with laptop and has not turned up. Subsequently, on verification of records, it reveals that the petitioner has misappropriated more than Rs.1,00,000/-. Hence, the complaint.

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.



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4. The learned Additional Public Prosecutor would submit that the petitioner is an employee of the defacto complainant. During the service, the petitioner received Rs.48,000/- from the defacto complainant under the pretext of various reasons. Further, the defacto complainant has given a laptop to the petitioner for official purpose. All of a sudden, the petitioner absconded along with laptop. Thereafter, on verification, it came to know that the petitioner has misappropriated more than Rs.1,00,000-. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above fact and circumstances of the case and also the period of incarceration of the petitioner from the date of his arrest i.e. 23.03.2023, this Court is inclined to grant bail to the petitioner.

6. 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



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learned Judicial Magistrate No.II, Coimbatore District 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 two weeks, 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.

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To

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1.The Judicial Magistrate No.II, Coimbatore District.

2.The Inspector of Police,
E-3, Saravanampatti Police Station,
Coimbatore.

3.The Superintendent, Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras,
Chennai

G.K.ILANTHIRAIYAN, J.



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