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Crl.O.P.No.12573 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2023

CORAM:

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

Crl.O.P.No.12573 of 2023

C. Prabu Dass

... Petitioner

/versus/

State represented by
Inspector of Police,
(E.O.W), CCIW,
Villupuram.
(Crime No.2 of 2023)

.. Respondent

Prayer: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail concerned in Crime No.2 of 2023 on the file of Inspector of Police,(E.O.W), CCIW, Villupuram Police Station pending disposal of the case.

For petitioner : Mr.R.T.Vijayaraaghavan

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 11.05.2023, in connection with Crime No.2 of 2023 registered for the offences under Sections 120B, 408, 420, 468, 471 and 477A r/w 34 of IPC on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused, by fabrication of documents and falsification of accounts, had cheated the Villupuram Central Co-operative Bank, Periyasevalai Branch, to the tune of Rs.3,88,649/-. 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 only working as a Manager in the said Society and he was not an in-charge of the accounts. He also submitted that even in the surcharge proceedings, the liability was fixed on the petitioner to the tune of Rs.2,65,113/- and he had also paid the said amount before the authority. He also submitted that the



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petitioner is in custody from 11.05.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner along with other other accused, by fabrication of documents and falsification of accounts, had cheated the Villupuram Central Co-operative Bank, Periyasevalai Branch, to the tune of Rs.3,88,649/-. He further submitted that after surcharge proceedings, the entire liability was fixed as Rs.47,58,834/- and the liability fixed on the petitioner is to the tune of Rs.2,65,113/- and he had also paid the said amount. He also submitted that the investigation in this case is still pending. Hence, he 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.

6. Taking into consideration the facts and circumstances of the



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case and submissions made by the learned counsel on either side and that the liability fixed on the petitioner was paid and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

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-II, Ulundurpet** 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 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;



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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.

07.06.2023

vk

To

- 1.The Judicial Magistrate-II,
Ulundurpet.
2. The Inspector of Police,
(E.O.W), CCIW, Villupuram.

A.D.JAGADISH CHANDIRA,J.

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3.The Vedampattu Jail,
Villupuram.

4.The Public Prosecutor,
High Court, Madras.

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