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Crl.O.P.No.14534 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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

Crl.O.P.No.14534 of 2023

Sathesh Kumar

... Petitioner

Vs.

State rep by
The Sub Inspector of Police
Mallasamudram Police Station,
Namakkal District.

Crime No.19 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.19 of 2023 on the file of
the respondent police.

For Petitioner : Mr.C.S.Saravanan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 22.05.2023 for the offences punishable under Sections 406 and 408 of
IPC in Crime No.19 of 2023 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner, who was a Manager cum Accountant in the defacto complainant's company, has misappropriated an amount to the tune of Rs.44 lakhs and also collected Rs.7 lakhs from various customers and cheated the defacto complainant. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would further submit that ever as per the complaint, the defacto complainant has stated that the petitioner was taking care of the business for 24 months and the defacto complainant was taking care of his ailing daughter in the hospital. He would submit that the defacto complainant had spent lot of money on her medical expenses and he was unable to pay the customers, thereby, he has given a false complaint shifting the blame on the petitioner. He would further submit that the entire case of prosecution is borne out by the documents. He would also submit that the petitioner is in custody from 22.05.2023, hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner, who was working as a Manager



cum accountant in the defacto complainant's company, has totally misappropriated an amount of Rs.51 lakhs and cheated the defacto complainant. He would further submit that the investigation is still pending. Hence, he opposed for grant of bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that the petitioner, without prejudice to show his bonafide, is ready and willing to deposit the original title deeds of an immovable property to the tune of Rs.7.5 lakhs either belonging to himself or his friends or his relatives. Hence, he prayed for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the contents of the FIR.

7. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit **the original**



title deeds of an immovable property not less than the value of Rs.7.5 lakhs (which stands in his name or his relatives or his friends) to the credit of Crime No.19 of 2023, and without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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, Tiruchengode 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;

[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 petitioners released on bail by the learned Magistrate/Trial



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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.

28.06.2023

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To

1. The Judicial Magistrate,
Tiruchengode.
2. The Sub Inspector of Police
Mallasamudram Police Station,
Namakkal District.
3. The Sub Jail,
Tiruchengode.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,



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