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CrI.OP.No.21440 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.21440 of 2023

M.Karuppaiya

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Commercial Crime Investigation Wing,
Guindy, Chennai.
(CCIW Crime No.02 of 2020)

...Respondent.

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 CCIW Crime No.02 of 2020 pending investigation on the file of the respondent Police.

For Petitioner : M/s. N.S.Siva Kumar
for M/s. Akshaya Benjamin
For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.08.2023 for the offences punishable under Sections 408, 409, 420, 477A & 120B read with Section 34 of IPC in CCIW Crime No.02 of 2020 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is an innocent person and he is falsely implicated in a case registered in CCIW Crime No.02 of 2020 for the offences under Sections 408, 409, 420, 477A & 120B read with Section 34 of IPC. Petitioner is a Pump Boy. However, it is alleged that, petitioner misappropriated a sum of Rs.2,33,246/-. Though, petitioner has not misappropriated this amount, to show his bonafide, petitioner is prepared to deposit the amount before the concerned Magistrate. An affidavit of petitioner's wife is filed in this regard.

3. Learned Additional Prosecutor opposes this petition on the ground that, petitioner along with other accused misappropriated to the



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of Rs.92,82,559/-, which belong to Anna Auto Drivers Cooperative Society. Thus, he opposed this petition.

4. Considering the submission of the learned counsel appearing for the parties and the affidavit filed by the wife of the petitioner that petitioner is prepared to deposit a sum of Rs.2,33,246/- before the Court to show his bonafide and without prejudice to the right and defence taken by the petitioner and having regard to fact that, petitioner is in Judicial Custody from 11.08.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned XI Metropolitan Magistrate (FAC), Saidapet, Chennai** and on further conditions that :-



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[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 without prejudice to his defence shall deposit a sum of Rs.2,33,246/-(Rupees Two Lakhs Thirty Three Thousand Two Hundred And Forty Six Only) to the credit of the CCIW Crime No.02 of 2020 before the learned XI Metropolitan Magistrate (FAC), Saidapet, Chennai. On such deposit, learned Magistrate is directed to use the amount under Section 357 of Cr.P.C for awarding victim compensation; Payment of this amount will not amount to admission of guilt of the petitioner. Learned XI Metropolitan Magistrate (FAC), Saidapet, Chennai, shall deposit the said amount in an interest bearing deposit scheme with auto renewal facility, in a nationalised bank and appropriate orders shall be passed on the security amount at the time of disposal of the case.



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[c] the petitioner shall report before the respondent police daily at 10.00.a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

21.09.2023

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G.CHANDRASEKHARAN. J.

Sma

To

- 1.XI Metropolitan Magistrate (FAC),
Saidapet, Chennai.
- 2.The Inspector of Police,
Commercial Crime Investigation Wing,
Guindy, Chennai.
3. Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras

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