



CrI.OP.No.23826 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.23826 of 2023

Balamurugan

...Petitioner

Vs.

The State represented by
The Inspector of Police,
Cuddalore New Town Police Station,
Cuddalore District.
Crime No.532 of 2023

...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 Crime No.532 of 2023 pending investigation on the file of the Respondent police.

For Petitioner : Mr.Om Sai Ram

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.09.2023 for the offence punishable under Sections 406, 420 and



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506(i) of IPC in Crime No.532 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the petitioner is arrayed as A1 out of 8 accused. The case of the respondent is that the defacto complainant was running a theatre and in the canteen in the theatre, A1 had misappropriated a total sum of Rs.20 lakhs and had transferred the same by way of google pay to the other accused.

3.The learned counsel for the petitioner stated that to show his bonafide, the petitioner is ready to deposit a sum of Rs.20 lakhs to the credit of Crime No.532 of 2023 before the trial Court.

4. Taking into consideration all the facts and the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

5.Accordingly, the petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.532 of 2023 before the Judicial Magistrate II, Cuddalore and on such deposit, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two



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sureties, each for a like sum to the satisfaction of the learned Judicial

Magistrate II, Cuddalore 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 deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.532 of 2023 before the Judicial Magistrate No.II, Cuddalore;

[c]The Judicial Magistrate may remain the amount into Court deposit and on the finality of the trial, if it ends in acquittal, return the amount to the petitioner herein and if it is ends in conviction, paid back the same to the defacto complainant.

[d] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

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

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



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[g] 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].

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

19.10.2023

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To

- 1.The Judicial Magistrate No.II, Cuddalore.
- 2.The Central Prison, Cuddalore.
- 3.The Inspector of Police,
Cuddalore New Town Police Station,
Cuddalore District.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN.J

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