



Crl.O.P.No.24860 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

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

Crl.O.P.No.24860 of 2023

Senthilkumar

...Petitioner

Vs.

State represented by the
The Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.
(Crime No.220 of 2023)
...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.220 of 2023 on the file of respondent police on such terms and conditions.

For Petitioner : Mr.M.N.Balakrishnan

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

ORDER

The petitioner seeks bail in Crime No.220 of 2023, registered by the respondent police for the offences punishable under Sections 120(B),



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408, 409 and 420 of IPC. He had been remanded to judicial custody on 17.08.2023.

2.After filing charge sheet, the same had been taken cognizance by the learned Judicial Magistrate No.II, Udumalpet in C.C.No.130 of 2023.

3. The case of the prosecution is that A1 was the Secretary of the Primary Agricultural Co-operative Society, Virugalpatti Village, Nanjagoundenpudhur and the present petitioner/A2 was the Assistant Secretary had not given proper receipts for the loan which had been repaid by the members of the society. However, the specific case of the prosecution is that they did not only give the receipt but they had also misappropriated the said sum and they have not remitted back the said sum.

4.This is an issue for trial. Taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

5. 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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Judicial Magistrate No.II, Udumalpet, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the Judicial Magistrate No.II, Udumalpet, once in a week i.e., on every Monday, for a period of four weeks and thereafter during the Court hearing dates;

[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.

17.11.2023

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C.V.KARTHIKEYAN. J.

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To

1. The Judicial Magistrate No.II, Udumalpet.
2. The Central Prison, Coimbatore.
3. The Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.
- 4.The Public Prosecutor,
High Court of Madras.

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