



CRL OP(MD). No.19498 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.19498 of 2023

Siva Chandra Bose,

... Petitioner/1st Accused

Vs

State Rep.by

The Inspector of Police,

District Crime Branch, Tuticorin.

(Crime No.34 of 2023).

... Respondent/Complainant

For Petitioner : M/s.S.Muniyandi,Advocate.

For Respondent : Mr.RMS.Sethuraman,

Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.34 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 08.09.2023 for the alleged offence punishable under Sections 406, 420 and 120(b)

IPC, in Crime No.34 of 2023, on the file of the respondent police, seeks bail.

<https://www.mhc.tn.gov.in/judis>



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2. The case of the prosecution is that from 20.01.2023 to 07.09.2023, when the petitioner was working as a Manager, in the defacto complainant's M/s. Arni Engineering Tech Private Limited, he along with A2 and A3 transferred the sum of Rs.12,58,705/- from the SBI Account of the defacto complainant's company to forged companies namely Vedharsana Enterprises and KVM Enterprises through NEFT transaction, without the knowledge of the defacto complainant and subsequently, A1 transferred a sum of Rs.49,70,000/- by using the defacto complainant's company cheque, which belongs to the year 2021, without the knowledge of the defacto complainant and they mis-appropriated the total sum of Rs.62,28,705/- from the defacto complainant's company and cheated the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner was not working in in the said company at the particular period and he is in jail from 24.09.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that without the knowledge of the defacto complainant the petitioner herein and other accused have mis-appropriated a total sum of Rs.62,28,705/- from



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the defacto complainant's company and cheated the defacto complainant. He would further submit that the investigation of the case has been completed and the charge sheet was filed before the concerned Court.

5. Considering the nature of allegations made against the petitioner and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Thoothukudi, and on further conditions that:

(i) the petitioner shall affix his photograph 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.

(ii) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.



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(v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/11/2023

/ TRUE COPY /

01/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

- 1 THE JUDICIAL MAGISTRATE NO.IV
THOOTHUKUDI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT PRISON, PERAVOORANI,
THOOTHUKUDI DISTRICT.



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4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TUTICORIN.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-49491[F] dated 01/11/2023)

ORDER
IN
CRL OP(MD) No.19498 of 2023
Date :01/11/2023

PKP/01.11.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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