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CrI.O.P.No.20856 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.20856 of 2024

1.Dhandapani
2.Arivudainambi

...Petitioners/Accused 1 & 2

Vs.

The State rep by
The Inspector of Police,
EOW Police Station
Villupuram District
(Crime No.2 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on bail in Crime No.2 of 2024 on the file of respondent police.

For Petitioners : Mr.Swamisubramanian

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI. Side)

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 25.07.2024 for the offences under Sections 120B, 408, 465, 468 and 471 of IPC in Crime No.2 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners being the Secretary and President of the co-operative housing society had misappropriated the funds of the society to the tune of Rs.4,42,214/- and had caused loss to the society. Hence, the complaint.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners are law-abiding citizens and they are ready to furnish substantial sureties for their due release on bail. He further submitted that the alleged amount has been repaid by the petitioners to the credit of the society; therefore, he prays for the grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) submitted that the



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petitioners have committed misappropriation of funds and caused a loss to the tune of Rs.4,42,214 to the society and the investigation is pending. Hence, he vehemently objected to granting bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on both sides and also taking into consideration that the alleged amount is repaid by the petitioners to the credit of the society and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 court of *Judicial Magistrate-I, Kallakurichi*, and on further conditions that:

[a] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

[b] the petitioners shall not abscond either during investigation or trial;



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- [c] the petitioners shall not tamper with evidence or witness either during investigation or trial;
- [d] 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];
- [e] if the accused thereafter absconds, a fresh FIR can be registered under Section 229A of the IPC.

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To

1.The Judicial Magistrate - I
Kallakurichi



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2. Central Prison, Cuddalore

3. The Inspector of Police,
EOW Police Station
Villupuram District

4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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