



Crl.O.P.No.26318 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26318 of 2024

Jayanthi

...Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
CCB, Avadi Police Station,
Tiruvallur District.
(Crime No.86 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.86 of 2024 on the file of respondent police.

For Petitioner : Mr.C.Harish

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner/Accused, who was arrested and remanded to judicial custody on 04.09.2024 for the offences under Sections 408, 420, 465, 467, 468 and 471 of the IPC, in Crime No.86 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was working as an accountant in a company viz. M/s.Siva Enterprises. The petitioner has misappropriated a sum of Rs.44,62,400/- from the company's funds. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, she has not committed any offence as alleged by the prosecution, and she has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 04.09.2024; that she is a law-abiding citizen; that she is ready to furnish substantial sureties for her due release on bail; and therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was working as an accountant in a company viz. M/s.Siva Enterprises. The petitioner has misappropriated a sum of Rs.44,62,400/- from the company's funds. He further submitted that there are no previous cases pending against the petitioner. However, he vehemently opposed the grant of bail to the petitioner.

5. Mr.Senthil, the learned counsel, represented that he is going to file an application to intervene in this Criminal Original Petition, but so far, he has not filed any application. Hence, his request is rejected.

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

7. Considering the representation made by both sides, the nature of offences, that there are no previous cases pending against the petitioner, that the petitioner is in custody from 04.09.2024 and that all the offences are borne out of records whereby there is no scope of tampering the



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evidences and also considering the incarceration period undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

8. 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 learned *Judicial Magistrate No.I, Poonamallee*, and on further conditions that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the petitioner shall not commit any offences of similar to the offence of which she is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;



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

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

23.10.2024

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To

- 1.The Judicial Magistrate No.I,
Poonamallee.
- 2.The Puzhal Central Jail.
- 3.The Inspector of Police,
CCB, Avadi Police Station,
Tiruvallur District.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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