



WEB COPY



Crl.O.P.No.26572 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.26572 of 2024

Siva @ Sivakumar

... Petitioner/A2

Vs.

The Inspector of Police,
R-4, Soundarapandiyanar Angadi Police Station,
T.Nagar District.
Chennai-17
(Crime No. 151 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.151 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.M.Abishek

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

For Intervenor : Mr.B.Prashanth Nadaraj

ORDER

The Petitioner/A2, who was arrested and remanded to judicial
custody on 08.10.2024, for the alleged offences punishable under Sections



CrI.O.P.No.26572 of 2024

306, 316(2), 318(4) of BNS r/w 3(5) of BNS in Crime No.151 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused is working in Vault team of CMS Infosystem Limited and they have committed misappropriation of Rs.1 crore of consumer cash. After receiving the complaint from a consumer of ICICI Bank, the CCTV footage of ICICI Bank ATM was verified and the accounts were audited. After investigation, it came to know that the Legal team of the defacto complainant firm, the first accused had admitted the offence along with other accused in connivance. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submit that the petitioner was arrested and is in judicial custody for more than 20 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the



Crl.O.P.No.26572 of 2024

respondent police submitted that there are totally five accused in this case and the petitioner herein is arrayed as A2. He further submits that the petitioner is working in Vault team of CMS Infosystem Limited, on the date of the alleged occurrence, the petitioner along with other accused had committed misappropriation of Rs.1 crore of consumer cash. He further submits that totally Rs.63,69,000/- were recovered from the petitioners. From this petitioner Rs.11,00,000/- was recovered. He further submits that A5 is still absconding. He further submits that the petitioner has no previous cases, pending against him and the investigation is still pending. Hence, he opposed to grant bail to the petitioner.

5. Learned counsel for the intervenor has reiterated the arguments of the learned Government Advocate (Crl.Side) and opposed to grant bail to the petitioners.

6. Heard both sides and perused the materials available on record including the First Information Report.

7. Considering the nature of offence charged against the petitioner,



Crl.O.P.No.26572 of 2024

considering the period of incarceration undergone by the petitioner from 08.10.2024, even as per the prosecution, some of the amount was recovered, except A5, all the accused were secured by the respondent police, and the petitioner has no previous cases, pending against him, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to 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 XVII Metropolitan Magistrate, Saidapet, Chennai, 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 not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] 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 him from disclosing such facts to the Court or to any police officer;



CrI.O.P.No.26572 of 2024

WEB COPY

[d] the Petitioner shall not abscond either during investigation or trial;

[e] 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

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

28.10.2024

drl

To

- 1.The XVII Metropolitan Magistrate,
Saidapet, Chennai.
- 2.The Inspector of Police,
R-4, Soundarapandiyanar Angadi Police Station (Crime),
T. Nagar, Chennai – 17.
- 3.The Superintendent,
Sub Jail, Saidapet.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

drl



WEB COPY



Crl.O.P.No.26572 of 2024

Crl.O.P.No.26572 of 2024

**28.10.2024
(1/2)**