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Crl.O.P.No.27155 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

**THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

Crl.O.P.No.27155 of 2024

D.Bharathi

... Petitioner/A2

Vs.

The State represented by,  
The Inspector of Police,  
EOW, Vellore,  
Vellore District.

(Crime No.06 of 2024).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of BNSS Act,  
pleaded to enlarge the petitioner on bail in Crime No.06 of 2024 on the file of  
the respondent police.

For Petitioner : Mr.S.Sairaman

For Respondent : Mr.Leonard Arul Joseph Selvam  
Government Advocate (Crl.Side)

### **ORDER**

This Criminal Original Petition has been filed by the petitioner,  
who was arrested and remanded to judicial custody on 03.10.2024, seeking  
bail in Crime No.06 of 2024 registered for the offence under Sections 408,  
420, 477A r/w 34 of IPC.



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2. The case of the prosecution as per the defacto complainant, Deputy Registrar of the Co-operative Societies, Ranipet, the petitioner along with the other accused misappropriated money in the VL(SPL)81-Thenkadappanthangal Urban Co-operative Society, Ranipet District to the tune of Rs.7,83,81,452/- by engaging the retired officer and temporary staff to the society without prior permission from the department and making false entries in the General Ledger, Register and Saving Accounts. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and a false complaint has been given. He further submitted that the petitioner joined duty as Salesman in the Society in 1995 and subsequently, he was promoted as a Clerk. The petitioner does not have any authority in dealing with the accounts, whereas, the petitioner has been impleaded in the case on the allegation he had colluded with A1, Secretary. He further submitted that the petitioner has been now placed under suspension and that the respondents have also attached the properties belonging to A1. He further submitted that the entire transaction is borne out by documents and further, judicial custody of the petitioner may not be



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required. Hence, he prayed for grant of bail to the petitioner.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that there are totally two accused in this case. He further submitted that the petitioner along with the other accused misappropriated funds to the tune of Rs.7,83,81,452/- by way of falsification of accounts in the Society registers on various dates. He further submitted that the property of A1 has been attached and the petitioner has been under suspension.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the counter affidavit filed by the respondent.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned



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**Judicial Magistrate – II, Vellore, and on further conditions that:**

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[a] the sureties shall affix their photographs 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;

**[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.**

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during 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 269 B.N.S.

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To

1. The Judicial Magistrate – II, Vellore.
2. The Inspector of Police,  
EOW, Vellore,  
Vellore District.
3. Central Prison, Vellore.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

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