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Crl.O.P.No.27207 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.27207 of 2024

Dinesh Kumar

...Petitioner

Vs.

State rep by
The Inspector of Police
District Crime Branch
Namakkal
(Crime No.14 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.14 of 2024 on the file of respondent police.

For Petitioner : Mr.N.S. Suganthan

For Intervenor : Mr.T. Dhasarathan

For Respondent : Mr.S.Vinothkumar

Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.09.2024 for the offences under Sections 408,477 A and 109 of I.P.C in Crime No.14 of 2024 on the file of the respondent police, seeks bail.



Crl.O.P.No.27207 of 2024

2. The petitioner herein arrayed as A2 in this case. The case of the prosecution is that the defacto complainant is running rig vehicles spare parts shop and A1 was employed under the defacto complainant in his shop and A.No.1 has misappropriated nearly a sum of 4 crores from the shop run by the defacto complainant and send the amount to the account of his family members i.e A2 to A4. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 18.09.2024 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Counsel appearing for the intervenor submitted that the petitioner herein is the main accused and the money was transacted only from this petitioner's account. Hence he opposed for grant of bail to the petitioner.

5. Learned Government Advocate (Crl.Side) opposes the grant of



CrI.O.P.No.27207 of 2024

bail to the petitioner by stating that he defacto complainant is running rig vehicles spare parts shop and A1 was employed under the defacto complainant in his shop and A.No.1 has misappropriated nearly a sum of 4 crores from the shop run by the defacto complainant and send the amount to the account of his family members i.e A2 to A4. He further submitted that there is no previous cases pending against the petitioner.

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

7. Considering the representation made on both sides, nature of offence, considering the fact that this petitioner is the brother of the main accused, that even as per prosecution only a part of the amount was transacted through this petitioner's account, taking into consideration the period of incarceration undergone by the petitioner and also considering all other factors, 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



CrI.O.P.No.27207 of 2024

WEB COPY

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 Court, Tiruchengode and on further conditions that:

[a] the petitioner shall report before the Respondent Police Station, everyday 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 he 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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

[f] On breach of any of the aforesaid conditions, the



CrI.O.P.No.27207 of 2024

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.

29.10.2024

smn

To

1.The Judicial Magistrate Court, Tiruchengode

2. The Inspector of Police
District Crime Branch
Namakkal

2.The Superintendent, Central Prison, Salem

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.27207 of 2024

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Crl.O.P.No.27207 of 2024

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