



Crl.O.P.No.28084 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

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

Crl.O.P.No.28084 of 2024

Manikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-4, Soundarapandiyanar Angadi Police Station.
Chennai.

(Crime No.151 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.151 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Parthiban

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

For Intervenor : Mr.B.Prashanth Nadaraj

ORDER

This Criminal Original Petition has been filed by the petitioner/A4, who was arrested and remanded to judicial custody on 10.10.2024, seeking



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bail in Crime No.151 of 2024 registered for the offence under Sections 306, 3(5) of BNS altered to Section 306, 316(2), 318(4) r/w 3(5) of BNS.

2. The case of the prosecution is that on 21.09.2024, the de facto complainant, who is working as a Branch Manager in CMS Infosystem Ltd., T.Nagar, had lodged a complaint stating that the accused, who are working in his company, had committed misappropriation to the tune of Rs.1 crore which was deposited by various customers. On receipt of the ICICI bank consumer's complaint, CCTV footage of ICICI bank ATM was verified and the accounts were audited and on the enquiry conducted by the legal team of the complainant firm, it was found that the accused had conspired together and committed the offence of diverting the amounts deposited by various customers in the account of the complainant's band to the account of A1. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner/A4 is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the prosecution, A1 to A3 are the persons who have entered into the vault and handled the cash and there is no



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material against the petitioner to show as if he had handled the cash. He also submitted that an amount of Rs.1 lakh has been recovered from the petitioner herein and as per the prosecution, out of the alleged amount of Rs.1 crore, a sum of Rupees seventy six lakhs and odd has been recovered. He further submitted that the second accused, against whom allegations are grave in nature, has been granted bail by this Court in Crl.O.P.No.26572 of 2024 on 28.10.2024. Hence, he prayed for grant of bail to the petitioner stating that the petitioner is also ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the petitioner/A4 along with other accused, who were working in the Vault team of CMS Infosystem Limited, had committed misappropriation to the tune of Rs.1 crore deposited by various customers. He further submitted that totally a sum of Rs.76,39,00,000/- has only been recovered from the arrested accused and from this petitioner alone, Rs.1,00,000/- was recovered. He also submitted the fifth accused is still absconding and the case is still under investigation.



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5. The learned counsel appearing for the de facto complainant vehemently opposed for granting bail to the accused stating that the petitioner/A4 along with other accused conspired together and misappropriated a sum of Rs.1 crore of the consumer cash.

6. Heard the learned counsel appearing for both the petitioner and the de facto complainant and the learned Government Advocate (Crl.Side) appearing for the respondent Police and perused the materials available on record including the counter filed by the respondent Police.

7. Taking into consideration the facts and the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner and also considering that a sum of Rs.1,00,000/- has been recovered from this petitioner and finding that the similarly placed co-accused/A2 has been granted by this Court, 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)**



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with **two sureties**, each for a like sum to the satisfaction of the learned **XVII**

Metropolitan Magistrate, Saidapet, and on further conditions that:

[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, everyday at 06.30 p.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness during either during investigation or 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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A.D.JAGADISH CHANDIRA.,J.

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To

1. The XVII Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
R-4, Soundarapandiyanar Angadi Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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