



Crl.O.P.No.28576 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

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

Crl.O.P.No.28576 of 2024

S.Shankar

... Petitioner

Vs.

The State, represented by
The Inspector of Police
Economic Offices Wing
Tamil nadu
(Crime No.06/2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS to enlarge the petitioner on bail, concerned in Crime Number 06 of 2024 (on the file of the respondent police).

For Petitioner : Mr.A.Mohammed Sayeed

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



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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.6 of 2024 registered for the offences under Sections 408, 420 r/w.34 and 477-A of IPC.

2.The case of the prosecution is that the petitioner, who is the Secretary of the Thenkadapanthangal Urban Cooperative Credit Society with the help of other staff members, by fabricating the documents, had misappropriated the funds to the tune of Rs.7,83,81,453/-, thereby causing a loss to the Society. Hence the case.

3.Learned Counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been working in the society for the past 39 years. The learned counsel further submitted that the petitioner had believed the other staff members, who had issued loans for certain unknown persons. The learned counsel further submitted that initially enquiry under Section 81 was conducted, wherein as per the preliminary enquiry, the deficit was stated to be Rs.30,00,000/- only, subsequently, it was



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stated that the total loss amounted Rs.7 crores. The learned counsel further submitted that the properties belonging to the petitioner and his relatives have been attached by the respondent and the entire case of the prosecution is borne out by documents. Hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to cooperate with the respondent in further investigation in this case.

4.Learned Government Advocate (CrI. Side) appearing for the respondent police while opposing for grant of bail to the petitioner submitted that the petitioner along with other accused by fabricating the documents and issuing fictitious loan, has cheated the Cooperative Society to the tune of Rs.7 crores. He further submitted that though some properties have been attached, the value of the attached property is only Rs.69,89,193/-.

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



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of 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 Judicial Magistrate No.II, Vellore 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 appear before the respondent every day at 10.30 am, until further orders;

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

19.11.2024

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To

1.The Judicial Magistrate No.II,
Vellore

2.The Superintendent
Central Prison, Vellore

3.The Inspector of Police
Economic Offices Wing
Tamil Nadu

4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.
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