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Crl.O.P.No.29469 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

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

Crl.O.P.No.29469 of 2024

and

Crl.M.P.No.17247 of 2024

Karthik

... Petitioner

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
DCB, Tiruvannamalai Police Station.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation of the case connected with Crime No.8 of 2024 on the file of the Inspector of Police, DCB, Tiruvannamalai Police Station.

For Petitioner : Mr.M.Illiyas
For Intervener : Mr.R.Pathiban
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER



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Petition seeking bail in respect of Crime No.8 of 2024 registered for the offences punishable under Section 420 IPC is on board for consideration.

2.The incarceration of the petitioner being from 22.10.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner was earlier granted anticipatory bail with the condition to deposit a sum of Rs.7,00,000/-, since the petitioner was unable to comply with the said condition, he was arrested on 22.10.2024. He also submits that the entire case of the prosecution is borne out by documents. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.2,00,000/- to the credit of crime number concerned.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that during the period from 24.12.2022 to 18.10.2023, the



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petitioner, who was working as Branch Manager in Shri Ram Finance Company situate at Cheyyar and whose job was to collect monthly instalments from customers, has swindled a sum of Rs.17,52,065/-.

4.The learned counsel for the Intervener submits that the de facto complainant is a public financial institution, the petitioner, who was working as Branch Manager in Shri Ram Finance Company situate at Cheyyar has cheated the general public and swindled a sum of Rs.17,52,065/-. He further submits that the investigation of accounts shows that the amount swindled is higher.

5.Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.2,00,000/- (Rupees Two Lakhs only)** to the credit of the Cr.No.08 of 2024, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

6.Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and the learned counsel for the intervener and perused the materials available on record,



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including the counter affidavit filed by the respondent and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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.I, Tiruvannamalai, 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 10.30 a.m., for a period of two weeks, and thereafter, every Saturday 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 appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner



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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 of B.N.S.

7.Consequently, connected Miscellaneous Petition is closed.

04.12.2024

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To

1. The Judicial Magistrate No.I,
Tiruvannamalai.
2. The Inspector of Police,
DCB, Tiruvannamalai Police Station.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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