



Crl.O.P.No.29795 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

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

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Iyyappan

... Petitioner

Vs.

The State represented by,
The Station House Officer,
D.Nagar Police Station,
Puducherry District.
(Crime No.218 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.218 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)

For Intervenor : Mr.A.Murugavel

ORDER

Petition seeking bail in respect of Crime No.218 of 2024 registered for the offences punishable under Sections 408 and 420 of IPC, is on board for



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consideration.

2. The incarceration of the petitioner being from 12.10.2024 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 only working as Manager cum System Operator in the de facto complainant's firm and he is in no way connected with the accounts maintained by the Cashier and the Collection Agent, however, he was wrongly implicated in this case.

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 the petitioner, who was working as Manager cum System Operator in the de facto complainant's company viz., Jeyam Traders, had misappropriated the company funds to the tune of Rs.26 lakhs and committed criminal breach of trust. He further submits the investigation in this case has almost been completed and there is no previous case against the petitioner.

4. Learned counsel for the de facto complainant submits that the petitioner had cheated the de facto complainant's company and caused loss to the



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tune of Rs.26 lakhs. Hence, he objects for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submits that the petitioner, in order to show his bonafide, without prejudice to the defence and contention, is ready and willing to deposit the original title deeds of an immovable property worth about Rs.15 lakhs, before the Court concerned. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

6. Considering the voluntary submission made by the learned counsel for the petitioner, **the petitioner is directed to deposit the original title deeds of an immovable property not less than the value of Rs.15 lakhs (standing in the name of the petitioner or his relatives or his friends) to the credit of Crime No.218 of 2024 before the Court concerned,** without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

7. Further, having heard the learned counsel for the petitioner and the learned Public Prosecutor (Puducherry) for the respondent Police and perused the



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materials available on record including the counter 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, Puducherry**, 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., 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 released on



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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.

04.12.2024

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To

1. The Judicial Magistrate No.I,
Puducherry.
2. The Station House Officer,
D.Nagar Police Station,
Puducherry.
3. The Superintendent,
Central Prison,
Kalappattu, Puducherry.
4. The Public Prosecutor (Puducherry),
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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