



WEB COPY



CrI.O.P.No.29027 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.29027 of 2023

Senthilkumar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
CBCID, Villupuram.
Crime No.02 of 2021

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.02 of 2021 on the file of
the respondent Police.

For petitioner : Mr.A.Mohamed Ismail

For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 20.11.2023 for the offences registered under Sections 409, 120(b), 418,
420, 465, 466, 468, 471, 477(A) of IPC, in Crime No.02 of 2021 on the file
of the respondent Police, seeks bail.



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2.It is stated that A1 to A3 have been granted bail under Section 167(2) of Cr.P.C by the learned Chief Judicial Magistrate, Villupuram, since the respondent have not filed charge sheet.

3.It is the case of the prosecution that A1 who is the Court staff at Sub Court in Kallakurichi, taking advantage of the official position, had misappropriated the MCOP cheque amounts of various claimants for a total sum of Rs.31,10,091/-. In one of the MCOP cases, the amount had been transferred to the account of this petitioner, who is running a textile shop.

4.The learned counsel for the petitioner stated that the petitioner is innocent of the offences and he is not aware of the nature of the transaction.

5.In the counter affidavit, it had been stated that the investigation has been practically completed and that 133 documents have been collected and 55 witnesses have been examined and that final report is to be filed.

6.Taking that particular fact into consideration and the fact that the investigation has been practically completed and the period of incarceration and also of the fact the other accused have been granted bail, I am inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on



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condition to execute 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 Chief Judicial Magistrate, Villupuram 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 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 229A IPC.

22.01.2024

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C.V.KARTHIKEYAN,J.

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To

- 1.The Chief Judicial Magistrate, Villupuram.
- 2.The Central Prison, Cuddalore.
- 3.The Inspector of Police,
CBCID, Villupuram.
4. The Public Prosecutor, High Court of Madras.

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