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Crl.O.P.No.31136 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

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

Crl.O.P.No.31136 of 2024

Pachiappan

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
District Crime Branch,
Salem District.
(Crime No.07 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.07 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Parameswaran

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

ORDER

Petition seeking bail in respect of Crime No.07 of 2024 registered for the offences punishable under Sections 120(B), 468, 471, 477(A) and 409 of IPC is on board for consideration.



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2. The incarceration of the petitioner/A1 being from 01.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that petitioner, who was working as a Branch Manager of the Unorganized Employees Co-operative Society Limited, Omalur Branch, is in no way connected with the alleged offence and due to certain mistake in the reconciliation of accounts, the present case has been registered. He further submits that even as per the prosecution, the petitioner is stated to have been repaid a sum of Rs.5 lakhs, however, the petitioner, to show his bonafide, without prejudice to his defense and contention before the trial Court, is ready and willing to deposit the original title deeds of an immovable property worth about Rs.10 lakhs, before the Court concerned. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

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 audit conducted at the Unorganized Employees Co-operative Society Limited, Omalur Branch, it came to light that the petitioner/A1 and A2, who were respectively the Branch Manager and the Cashier of the said



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Society, colluded together and without the knowledge of 14 members, created loan applications in the names of 14 members and obtained money from the Society and committed criminal breach of trust, by misappropriating the society funds to the tune of Rs.31,37,513/-. Therefore, based on the complaint given by the Managing Director of the said Society, the present case came to be registered. He further submits that a sum of Rs.5lakhs has been repaid by the petitioner and the investigation is still pending. Therefore, if the petitioner is released on bail, there is a possibility of him absconding and tampering the evidence.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the 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.VI, Salem** and on further conditions that:



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[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, without prejudice to his rights and contentions before the trial Court, is directed to deposit the original title deeds of an immovable property not less than the value of Rs.10 lakhs (standing in the name of the petitioner or his relatives or his friends) to the credit of Crime No.7 of 2024 before the Court concerned, at the time of furnishing sureties;

[c] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[e] 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]*;



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

18.12.2024

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To

1. The Judicial Magistrate No.VI,
Salem.
2. The Sub-Inspector of Police,
District Crime Branch,
Salem District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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