



CRL OP(MD). No.20481 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20481 of 2024

Sathish

... Petitioner/ Accused No.4

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
District Crime Branch,
Sivagangai.
(Crime No. 21/2024).

... Respondent/Complainant

For Petitioner : Mr.R.Vivekananthan,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 21 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.4, who was arrested and remanded to judicial

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custody on 19.10.2024 for the offence under Sections 406, 409, 420, 424 and 120B of IPC, 1860, in Crime No.21 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that A1 was working as the Branch Manager and A2 was working as Assistant Manager in ICICI Bank, Kallal Branch. They are said to be in-charge of the jewel loan section. The further case of the prosecution is that A1 and A2 took away genuine gold that was pledged and replaced with spurious gold and thereby, they cheated the bank to the tune of Rs.2.03 crores. A2 and A3 are relatives. A2 is said to have financed A3 in his business, out of the amount that was cheated and the amounts were diverted through bank accounts of A3 and also A4. The petitioner, who has been arrayed as A4 is none other than son of A3.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a college student, who completed his B.Com., course only recently. He further submitted that the petitioner has nothing to do with the alleged crime and he has been roped in this case only on the ground that the amount has been diverted through the account of this petitioner and that he happens to be the son of A3. The learned counsel further submitted that the petitioner has suffered incarceration from



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19.10.2024.

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4. Per contra, the learned Additional Public Prosecutor appearing for the respondent Police submitted that the bank was cheated to the tune of Rs.2,03,86,973/- and all the accused persons were arrested in this case. Till date, only a sum of Rs.38,00,000/- has been recovered from A1 and A2. The learned Additional Public Prosecutor further submitted that since a huge amount is involved in this case, he opposed the grant of bail to the petitioner.

5. This Court has carefully considered the submissions made on either side and perused the materials available on record.

6. In the case on hand, the petitioner is hardly aged about 20 years. He is only a student, who also happens to be son of A3. It seems that there is a bank account in the name of the petitioner and the alleged cheated amount is said to have been dealt with in his account also. That seems to be the main allegation as against the petitioner. The petitioner is not directly involved in the offence that was committed mainly by A1 and A2.



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7. Taking into consideration the facts and circumstances of the case and also considering the age of the petitioner and the overt act that has been attributed as against the petitioner and also considering the incarceration suffered by the petitioner from 19.10.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions.

8. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, out of which one surety shall be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Sivagangai, 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 every Friday at 05.30 p.m., for a period of six weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial



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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 269 of BNS, 2023.

sd/-
25/11/2024

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25/11/2024
Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SM

TO

1. The Judicial Magistrate-II, Sivagangai,
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
3. The Officer in charge,
District Jail, Ramanathapuram.
4. The Inspector of Police,
District Crime Branch,
Sivagangai.



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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.VIVEKANANTHAN, Advocate (SR-14494[I] dated 25/11/2024)

ORDER
IN
CRL OP(MD) No.20481 of 2024
Date :25/11/2024

RK (25/11/2024) 6P / 7C

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