



CRL OP(MD). No.22247 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.22247 of 2024

Ramesh

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
District Crime Branch,
Sivagangai.
Cr.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 BNSS

PRAYER :-

For Bail in Cr.No.21 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.3, who was arrested and remanded to judicial custody on 20.10.2024 for the offences under Sections 406, 409, 420, 424 and 120(B) of IPC in Crime No.21 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that Accused Nos.1 and 2 were working as



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Manager and Assistant Manager in ICICI Bank, Kallal branch. They were in-charge of the jewel loan section. Accused Nos.1 and 2 are said to have taken away the genuine gold that was pledged by the customers and replaced it with spurious gold. Thereby, they cheated the Bank to the extent of nearly 2.03 Crores. Accused No.2 is a relative of Accused No.3 and he is said to have financed Accused No.3 in his business, out of the amount that was cheated and the amount was diverted to the bank account of Accused No.3 and also Accused No.4. There are totally four accused persons in this case and the petitioner has been arrayed as Accused No.3.

3. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the amount has been diverted by Accused No.2 in favour of Accused No.3 to the tune of nearly Rs.52.78 lakhs. He further submitted that till date, a sum of Rs.38,00,000/- has been recovered from Accused Nos.1 and 2. That apart, this petitioner (accused No.3) utilized the amount diverted by Accused No.3 and purchased two vehicles and both the vehicles have been seized in the course of investigation.

4. The learned counsel appearing for the petitioner submitted that the petitioner has suffered incarceration from 20.10.2024 and that the vehicles have already been seized from the petitioner and Accused No.4 was also enlarged on bail by this Court in CrI.O.P.(MD).No.20481 of 2024 by an order dated 25.11.2024 and the learned



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counsel^s requested this Court to enlarge the petitioner on bail subject to any conditions.

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5. The petitioner had filed the earlier bail petition in CrI.O.P.(MD).No.21059 of 2024 and it was dismissed as withdrawn by an order dated 03.12.2024.

6. This Court had enlarged Accused No.4 on bail considering the fact that Accused No.4 is the son of Accused No.3 and he was a college going student and expect the fact that the money was also diverted to his bank account, there was no other allegation against Accused No.4. The yardstick that was applied for Accused No.4 cannot be applied for Accused No.3. The specific case of the prosecution is that Accused No.2 is the relative of Accused No.3 and Accused No.2 had diverted the amount that was cheated to the account of Accused No.3 to the tune of nearly Rs.52,78,000/-. Therefore, it is contended that the petitioner is also part of the conspiracy along with Accused Nos.1 and 2.

7. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 20.10.2024 and also considering the fact that the vehicles that were purchased by the petitioner out of the amount that was diverted, has been seized by the respondent Police and no useful purpose will be served in keeping the petitioner inside the jail and it will also not help the prosecution in any manner in completing the investigation, this Court is



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inclined to grant bail to the petitioner subject to the following conditions:

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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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.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 daily at 10.30 a.m. until further orders.

[c] the petitioner shall furnish the immovable property security by means of depositing the title deeds of the petitioner or his near relatives to the tune of Rs.30,00,000/-

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

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

[f] 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



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under
Section 269 of BNS, 2023.

sd/-
17/12/2024

/ TRUE COPY /

17/12/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL,
RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.VIVEKANANTHAN, Advocate (SR-15508[I] dated 17/12/2024)



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ORDER

IN

CRL OP(MD) No.22247 of 2024

Date :17/12/2024

RS/IT/SAR-(17.12.2024) 6P 7C

Madurai Bench of Madras High Court is issuing
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