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CrI.O.P.No. 1597 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.1597 of 2025

And

CrI.M.P.No. 1315 of 2025

Shanthi
Daughter of Mani
Wife of Paulraj
New No.87, Old No.40
Parameshwari Nagar 2nd Street
Adyar, Chennai -600 020

... Petitioner/Accused-1

Vs.

The State represented by
The Inspector of Police,
Central Crime Branch -1
EDF-II Wing, Beta-5
Vepery, Chennai – 600 007.

... Respondent/Complainant

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.213 of 2024, on the file of the first respondent police.



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For Petitioner : Mr. T.A.Narendar
For Respondent : Mr. A.Gopinath
Government Advocate (Crl.Side)
For Intervenor : Mr. Arun Anbumani

ORDER

The petition seeking intervening in this petition in Crl.M.P.No. 1315 of 2025 is allowed.

2. The above petition has been filed seeking bail in respect of Crime No.213 of 2024 registered for the offences punishable under Sections 408, 420, 477A, 109, 120B of IPC.

3. The case of the prosecution is that the petitioner was working in a company as an Administrative Assistant viz., M/s. Sri Ragavendra Enterprises which is run by the defacto complainant; that on 06.08.2012 she was promoted as accountant, that the defacto complainant while checking the accounts, noticed certain discrepancies through audit after the resignation of the petitioner from the firm on 06.04.2024 and found that the petitioner had misappropriated a sum of Rs.1,73,02,268/- from the firm run by the defacto complainant.



4. The incarceration of the petitioner being from 21.12.2024 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 complaint is an after thought after the resignation of the petitioner; that the petitioner resigned from the company only because the defacto complainant had caused sexual harassment to her and that the allegations are false. He also submits that the mother of the petitioner/A-2 had filed an affidavit pursuant to the directions of this Court in CrI.O.P.No. 28939 of 2024 before the learned Magistrate undertaking not to alienate a property in Adyar which allegedly was purchased in her name out of the misappropriated amount and the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

5. 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 has misappropriated huge sum of money; that the custodial interrogation of the petitioner is completed and that the laptops, three mobile phones and certain documents were seized by the respondent police from the possession of the petitioner.



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6. The learned counsel for the intervenor pointed out to the bank statements of the company to show that the petitioner had forged entries in the statements to make it appear that the amounts were used for payment of salary and for other expenses of the company, whereas the money was actually misappropriated. He submitted that in the sale deed by which the property at Adyar was purchased, it is seen that a sum of Rs.20/- lakhs and Rs.10/- lakhs were paid from the accounts of the children who do not have independent sources of income; that the petitioner had renovated a property at her native place in Perambalur District from the misappropriated amount; and that the allegation of sexual harassment is false as she had not complained of it earlier. Hence, he would oppose to grant bail to the petitioner.

7. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and the learned counsel appearing for the intervenor and perused the materials available on record. The petitioner is in custody from 21.12.2024. The mother of the petitioner was granted anticipatory bail by this Court on 06.12.2024 in CrI.O.P.No. 28939 of 2024 who has also filed an affidavit before the Magistrate



undertaking not to alienate the property which is said to have been purchased out of the misappropriated amount. The custodial interrogation according to the respondent is completed. In such circumstances, it is for the prosecution to establish the offence against the petitioner before the trial Court. Taking into consideration the period of incarceration and the fact that the further custody is not required for investigation, 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 her 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 **Metropolitan Magistrate for exclusive trial of CCB Cases (Relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai – 600 008** 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 on everyday at 10.30 a.m., until further orders;

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



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[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 269 of B.N.S.

8. Since it is reported that a portion of the misappropriated amount has been used by the petitioner for renovating house of the petitioner at native place at Veppanthattai Village, Perambalur, this Court is of the view that the petitioner shall file an affidavit undertaking not to alienate the said property. However, it is made clear that the said undertaking shall be valid for a period of three months. If the respondent on investigation has material to suggest that the house was renovated with the misappropriated amount, they can move an application under Section 107 of BNSS Act for attachment, within 3 months if they are advised to do so.

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To

1. Metropolitan Magistrate for exclusive trial of CCB Cases (Relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai – 600 008
2. The Inspector of Police,
Central Crime Branch -1
EDF-II Wing, Beta-5
Vepery, Chennai – 600 007.
3. The Superintendent,
Central Prison for Women, Puzhal
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

vsg

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And

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