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Crl. O.P. No.10039 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10039 of 2025

Arun S/o. Kumar

... Petitioner/Accused

Vs.

The State represented by-

The Inspector of Police,
R-8 Vadapalani Police Station,
Chennai District.
(Crime No.49 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.49 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.E. Kannadasan

For Intervenor : Mr. J. Magesh

For Respondent : Ms. J.R. Archana

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 07.03.2025, seeking bail in Crime No.49 of 2025 registered for the offences under Sections 316(2) and 318(4) of

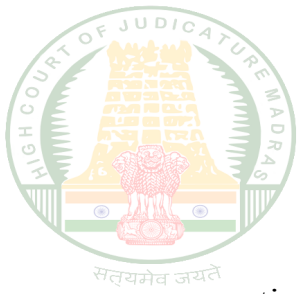


2. The case of the prosecution is that the petitioner is an employee under the defacto complainant; that he had created false trip sheets by making it to appear that the trips were utilized by the company and misappropriated a total sum of Rs.52 lakhs and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that in any case, considering the period of incarceration, further custody of the petitioner is not required and prayed that the petitioner may be released on bail; and that to show his bonafides, he is willing to pay a sum of Rs.10 lakhs to the defacto complainant within a period of 3 weeks.

4. The learned counsel appearing for the intervenor, however, vehemently opposed the grant of bail and submitted that the petitioner has committed serious fraud and he does not deserve bail.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing grant of bail to the petitioner, reiterated the



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prosecution case and produced the copy of the confession statement of the petitioner.

6. The petitioner is in judicial custody from 07.03.2025. The petitioner has made a voluntary submission that he is ready and willing to pay a sum of Rs.10 lakhs to the defacto complainant within a period of 3 weeks from the date of his release without prejudice to his right of defense. Considering the aforesaid submissions made on either side, nature of allegations, and period of incarceration, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 **XVII Metropolitan Magistrate, Saidapet, Chennai.**

[a] the petitioner shall pay a sum of Rs.10 lakhs (Rupees Ten Lakhs only) to the defacto complainant directly within a period of 3 weeks from the date of his release;



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[b] 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;

[c] the petitioner shall report before the respondent police daily 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;

[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 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 B.N.S.

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To

1. The XVII Metropolitan Magistrate, Saidapet, Chennai.
2. The Inspector of Police, R-8 Vadapalani Police Station, Chennai District.
3. The Sub Jail, Saidapet.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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