IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17422 of 2025

A.Subramani .. Petitioner

Vs.

State Rep By:
The Inspector of Police,
B1-North Beach Police Station,
Chennai District.
(Cr.No.135/2025) .. Respondent

PRAYER: Criminal Original Petition is filed under Section 483 of BNSS, to enlarge the petitioner on bail in pending investigation Crime No.135 of 2025 on the file of the respondent Police.

For Petitioner : Mr.Saravanan.P

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.04.2025, for the offence punishable under Sections 305(e), 316(5), 338 and 341(2) of Bharatiya Nyaya Sanhita, 2023 in connection with Crime No.135 of 2025 on the file of the respondent, seek bail.

2. The case of the prosecution is that the PA General/Deputy

Collector, Chennai lodged a complaint to the respondent police stating that for the Indian Nationals who died abroad, compensation would be sent from the Foreign Countries to Government of India, who in turn send the same to the respective Districts according to the domicile of the deceased person and the District Collectors in the respective Districts are the authorized Officers to disburse the compensation amount. The District Collector, Chennai, is maintaining a separate account with Indian Bank for this purpose. This account has been maintained by the Senior Revenue Inspectors of the Collectorate, Chennai. A1 and A2 are the Senior Revenue Inspectors, who used the bank account of their friends and known persons, namely, A3 to A5. The Revenue Inspectors/A1 and A2 stealthily removed the cheques, forged the seal and signature of the Collector and through A3 to A5, had siphoned and misappropriated a sum of Rs.11,00,000/- [Rs.4,40,000/- by A2 and Rs.7,60,000/- by A1]. The cheques were issued in the name of Dinesh/A3, Karthik Kumar/A4 and Ragupathi/A5 vide Cheque No.772811 for Rs.5,01,628/-, Cheque No.772818 for Rs.5,07,911/- and Cheque No.772824 of Rs.1,54,000/-. During the inspection and audit, this misdeed of the accused was found, details collected from the Bank which confirms the connivance of A1 and A2 with the other accused. In this case, totally four cheques were stealthily removed and the Government funds had been misappropriated by the accused.

3.The contention of the learned counsel for the petitioner/A1 is that A2 is the custody of cheque book and have forged the signature of the Collector Tmt.Aruna and the present Collector deposited into the account of A3, A4 and A5 swindled the money to the tune of Rs.11,00,000/- the amount was recovered from the accused. In the meantime, the respondent police took the custody of all accused and not found any materials involved in other offence. He was falsely implicated in this case. He further submitted that he was already suspended and facing departmental action. Hence, prayed for bail.

4.The learned counsel for the petitioner/A1 would submit that without prejudice to his right of defence in the above case and in the departmental proceedings, the petitioner/A1 had come forward to deposit Rs.7,60,000/-. Today, the learned counsel produced the bank challan for remittance of a sum of Rs.7,60,000/- to the account of the Collector of Chennai.

5..The learned Government Advocate (Crl. Side) filed his counter and submitted that A1 and A2 are the Senior Revenue Inspectors employed in the Collectorate, Chennai, who are under the direct control of the District

Collector. On getting information from the Chief Secretary, they have to process the same, find out the beneficiaries, prepare the cheque and after obtaining signature from the Collector, the cheques to be forwarded to the beneficiaries. In this case, four cheques were stealthily removed in the cheque book at random. These cheques have been used in the name of A3 to A5, who are not the beneficiaries. Thus the Government funds intended to the beneficiaries have been misappropriated and cheated by A1 and A2 along with A3 to A5. He would further submit that in one of the cases, after the transfer of the Collector, cheque was signed in the name of the said Collector. Now the cheques were collected from the Bank, sent to the Forensic Department and the investigation is in progress. A1 and A2 are suspended and facing departmental action. He further confirms the remittance of a sum of Rs.7,60,000/- by A1 in the account of the Collector of Chennai.

6.Considering the facts and circumstances of the case, it is seen that A1 and A2 in connivance with A3 to A5 misappropriated and cheated Government funds intended to the beneficiaries. Further, A1 in this case had already remitted a sum of Rs.7,60,000/- in the account of the Collector of Chennai. This remittance cannot be considered as admission. Hence, considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8.Accordingly, the petitioner are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each with two sureties**, each for a like sum to the satisfaction of the learned **VII Metropolitan Magistrate, George Town, Chennai** and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b]**the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of three weeks; thereafter as and when required for further interrogation;**

[c]the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, they shall comply to the directions as may be given by the Court in this regard;

[f]On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];

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

17.06.2025

Note :
1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The VII Metropolitan Magistrate Court, George Town, Chennai

2. The Inspector of Police,

B1-North Beach Police Station,
Chennai District.

3.The Superintendent,
Central Jail,
Puzhal, Chennai.

4.The Public Prosecutor,
Madras High Court.

M.NIRMAL KUMAR, J.

gv

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