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Crl.O.P.No.28735 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.28735 of 2024

S.Gokul

... Petitioner

Vs.

State represented by
The Inspector of Police,
DCB Police Station,
Erode.

(Crime No.7 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail in the
event of arrest in the Crime No.7 of 2024 on the file of the respondent Police.

For Petitioner : Mr.Iyyapparaj

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.side)

ORDER

Apprehending arrest in connection with Crime No.7 of 2024
registered for the offences punishable under Sections 409 and 420 of IPC, the
present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the petitioner, while working as



Crl.O.P.No.28735 of 2024

Assistant Manager in M/s Madura Microfinance Company Limited had misappropriated the amount to the tune of Rs.27,49,674/- and cheated the company. Hence, the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he hails from the respectful family. There were discrepancies in the account in the micro finance company and the petitioner has been made as scapegoat in the proceedings. He further submits that the petitioner has ancestral properties in S.F.No.301/20 to an extent of 0.33 acres and in S.F.No.301/2 to an extent of 0.850 acres. The present market value of the property is Rs.41,50,000/- and he is ready to get the No Objection Certificate from other legal heirs and deposit the original title deed before the concerned Court to the credit of the crime number to show his bonafide.

4. The case of the prosecution as putforth by the learned Government Advocate (Crl.side) appearing for the respondent Police is that the petitioner had misappropriated funds to the tune of Rs.27,49,674/- and cheated the defacto complainant company. Hence, he opposed for grant of anticipatory bail to the



Crl.O.P.No.28735 of 2024

petitioner.

WEB COPY

5. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit the original title deed of the properties comprised in S.F.No.301/20 to an extent of 0.33 acres and in S.F.No.301/2 to an extent of 0.850 acres, at Kollappati Animur (PO), Tiruchengode Taluk, Namakkal District, to the credit of Crime No.7 of 2024, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt. The petitioner shall also file affidavits of the other legal heirs expressing No Objection for deposit of title deed.

6. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Erode, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), each with two sureties, each for a



like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., until further orders;

[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 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



CrI.O.P.No.28735 of 2024

registered under Section 269 of BNS.

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CrI.O.P.No.28735 of 2024

A.D.JAGADISH CHANDIRA.,J.

mn

To

1. The Inspector of Police,
DCB Police Station,
Erode.
2. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.28735 of 2024

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