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Crl.O.P.No. 32320 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM

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

Crl.O.P.No.32320 of 2024

C.Kumaresan @ Kumaresh

...

Petitioner

Vs.

State Rep by
The Inspector of Police,
DCB Police Station,
Coimbatore.
(Crime No.17 of 2024)

...

Respondent

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.17 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Ms.S.Senkodi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.17 of 2024 registered for the offences punishable under Sections 120B, 468, 471 and 420 of IPC, is on board for consideration.



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2. The case of the prosecution is that the petitioner along with other accused joined together pledged spurious gold with the defacto complainant finance Company and availed loan of Rs.21,00,000/-, thereby misappropriated the funds. Hence, the complaint.

3. The incarceration of the petitioner being from 10.11.2024 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 petitioner is in no way connected with the alleged offence. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. 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 defacto complainant is the Regional Manager of M/s.KLM Axiva Finvest Ltd., Periyanaickenpalayam. A1 is the Branch Manager of the said finance Company. A2 and A3 are the appraisers in the said Company. A4 to A6 are the gold pledgers. The petitioner is arrayed as A4. As per the instructions of



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A1, A4 to A6 pledged spurious gold with the defacto complainant finance Company and availed loan of Rs.21,00,000/- and thereby misappropriated the funds. In this case, the petitioner received a sum of Rs.14,81,650/- and no amount has been recovered from him. He further submits that there is no previous cases pending against the petitioner.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, 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 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 **Judicial Magistrate No.VI, Coimbatore** 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;



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

[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.

02.01.2025

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To

1. The Judicial Magistrate No.VI,
Coimbatore.
2. The Inspector of Police,
DCB Police Station,
Coimbatore.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,



High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

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