

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, TIRUPPUR

PRESENT: Thiru. Swarnam J. Natarajan M.L.,
Principal Sessions Judge, Tiruppur.

Saturday, the 15th day of October, 2022

Cr.M.P.No.1954/ 2022

S.Gunasekaran (61)
S/o.K.V.Subramani

.....Petitioner/Accused

Vs.

State Rep. by
The Inspector Police,
Central Crime Branch
Tiruppur.
(Cr.No.11/2022)

.....Respondent/Complainant

This petition is coming on this day for final hearing before me in the presence of Thiru.V.Raju, Advocate for the petitioner and Thiru.S.Kanagasabapathy, Public Prosecutor for the State, after hearing both sides and perusing the written reply submitted by the respondent and records, this court delivers the following :

ORDER

1. The petitioner, who is in custody for the offences punishable u/s.403, 409, 420 and 120 B of IPC had filed this petition u/s. 439 of Cr.P.C. seeking for his release on bail.

2. The petitioner was arrested on 20.09.2022 and he is in judicial custody till now.

3. According to the petitioner, the earlier bail petition was dismissed by the trial court. As per the FIR the amount was misappropriated from the account of the defacto complainant on 31.10.2022 but he preferred complaint after a long delay of 18 months. He is innocent and is falsely implicated in this case. He will not abscond or

tamper the witnesses. The petitioner is ready to abide by any condition imposed by this court and willing to produce sufficient sureties to the satisfaction of this Court and hence prays to grant bail to him.

4. The learned Public Prosecutor has submitted that the investigation is pending, the accused is an employee of SBI Bank and involved in this case, while he is in out of station he will create problem in respect of collecting documents, the amount cheated by the accused have to be recovered, the absconding accused namely Parthiban has to be arrested. If the petitioner is released on bail, he will abscond or tamper the witnesses, he will indulge in same type of offence and hence the prosecution side strongly opposed for grant of bail to the petitioner and prays for dismissal of the petition.

5. The petitioner counsel contended that the accused person in CMP.No.1888/2022 has been considered bail by this court and if the same condition is imposed he is ready to abide by the conditions. Considering the fact that the petitioner in the said case had furnished the original title documents as security, the same condition would be imposed on the petitioner can be enlarged on bail. Therefore, this court is inclined to consider the bail petition by directing the petitioner to produce solvency sureties as well as an affidavit of the person having title document worth Rs.60,00,000/- and the said document should be filed along with an undertaking affidavit and on recording the said undertaking affidavit the learned Judicial Magistrate may considered the bail application of the petitioner.

In the result, this petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for Rs.50,000/- each with 2 sureties for a like sum to the satisfaction of the Judicial Magistrate No.II, Tiruppur with a condition that the petitioner should appear before the

respondent police daily morning at 10.00 a.m., and sign for 30 days and cooperate for investigation, thereafter he should appear before the court concerned on receipt of summon.

2. The original documents along with the affidavit shall be recorded and original document to be retained by the trial court till conclusion of the trial subject to the outcome of the case as surety for the case.

The sureties shall affix their photographs and left thumb impression and the Judicial Magistrate shall obtain the copy of their Aadhar card or bank pass book to ensure their identity.

The petitioner shall not try to contact, influence, threaten or pressurize the victim or complainant or other material witnesses and shall not tamper with the evidence and shall appear before the respondent/ Investigation Officer as and when required for investigation.

On breach of the aforesaid conditions, the learned Judicial Magistrate is directed to take appropriate action against the petitioner in accordance with the law as laid out in the judgment of Hon'ble Supreme Court in P.K. Shaji in AIR 2005 SCW 5506.

If the petitioner absconds, a fresh F.I.R shall be registered u/s.229(A) of IPC.

Given by me, this the 15th day of October, 2022.

Principal Sessions Judge
Tiruppur.

Copy to :

1. The Judicial Magistrate No.II, Tiruppur.
2. The Public Prosecutor, Tiruppur.
3. The Inspector of Police, Central Crime Branch, Tiruppur.
4. Counsel for the petitioner.