



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the First day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.20419 of 2015

K.NAGARAJAN

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
SIVAGANGAI,
SIVAGANGAI DISTRICT.
CR. NO. 16 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S M.JEGADEESH PANDIAN Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

For Intervenor : MR.K.P.RAMESH, Advocate

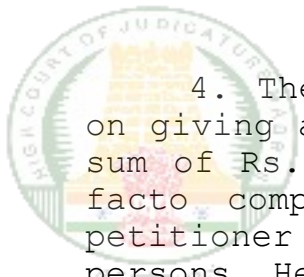
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is the sole accused, in Crime No.16 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 01.09.2015 for the alleged offences punishable under Sections 406,468,471,420 and 506(ii) of IPC and hence, seeks bail.

2. The case of the prosecution is that on giving a false promise of getting job in the Government office, the petitioner received a sum of Rs.75,000/-, from the de facto complainant on 10.12.2012 and received further sum of Rs.12,00,000/-, on two different dates. Thereafter, he did not make any arrangement to get any job and did not return the amount also. When the de facto complainant demanded money, the petitioner threatened him with dire consequences. Therefore, a complaint has been given and a case has been registered against the petitioner for the offences referred to Supra.

3. The learned counsel for the petitioner submitted that the occurrence alleged to have taken place in the year 2012. But, the present complaint has been lodged only in the month of the August 2015. He further submitted that the petitioner is willing to settle the amount with the de facto complainant.



4. The learned Government Advocate (Crl. Side) submitted that on giving a false promise of getting job, the petitioner received a sum of Rs.75,000/- and Rs.12,00,000/- on various dates from the de facto complainant and on investigation, it was found that the petitioner has received a sum of Rs.86,40,000/- from various persons. He further submitted that the investigation is pending.

WEB COPY

5. This Court by the order dated 27.10.2015, granted interim bail, on the affidavit of undertaking filed by petitioner. The relevant Para 6 to 8 of the said order reads as follows:-

6. Considering the submission of the learned counsel for the petitioner and also considering the affidavit file by the petitioner, this Court is inclined to grant interim bail to he petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on interim bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivagangai and on further condition that the petitioner shall report before the respondent Police as and when required for interrogation.

7. In the meanwhile, the petitioner and the de facto complainant shall appear before the Mediation and Conciliation Centre attached to this Bench on 05.11.2015 to explore the possibility of settlement.

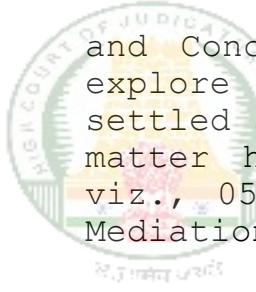
8. Post the matter on 26.11.2015."

6. The learned counsel for intervenor submitted that the petitioner did not settle the matter in spite of undertaking given by him and prayed for cancellation of interim bail and dismissal of petition for bail.

7. The learned counsel appearing for the intervenor has relied on the Judgment reported in **(2015) 3 MLJ (Crl) 567 (Junaid Abid Ali Vs. Mohammed Yaseen and another)** to cancel the interim bail granted to the petitioner and the relevant para 7 reads as follows:-

"7. But, in my considered opinion, the Court below had taken the affidavit of undertaking filed by the first respondent / accused into consideration for granting bail to him. Had the undertaking not been given by the first respondent, the Court below might not have granted the bail on 06.09.2014. In fact, the Court below had taken the affidavit of undertaking given by the first respondent as a basis for granting bail. When that being so, after coming out on bail, if the 1st respondent / accused has gone back from his undertaking, certainly the bail is liable to be cancelled."

8. It is seen from the records that this Court by order, dated 27.10.2015 has granted Interim Bail, on undertaking affidavit filed by the petitioner, that he will settle the amount to the de facto complainant and others and also the matter was referred to Mediation



and Conciliation Centre attached to this Court on 05.11.2015 to explore the possibility of settlement. But, so far, he has not settled any amount as per the affidavit filed by him. Further, the matter has been posted before Mediation Centre on various dates viz., 05.11.2015, 17.11.2015 and 20.11.2015 respectively, but, the Mediation could not succeed.

9. Considering the serious charges levelled against the petitioner and also considering the fact that the petitioner has not settled any amount as per his undertaking affidavit and that the judgment relied on by the learned counsel for the intervenor, this Court is inclined to cancel the interim bail granted to the petitioner.

10. Accordingly, the interim bail granted to the petitioner, by this Court, dated 27.10.2015, is cancelled and hence, the Criminal Original Petition is dismissed.

sd/-
01/12/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI
- 2 DO THRO THE CHEIF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, SIVAGANGAI, SIVAGANGAI DISTRICT.
- 4 THE SUPERINTENDENT CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S K.P.RAMESH, Advocate SR.No.68455

ORDER
IN
CRL OP(MD) No.20419 of 2015
Date : 01/12/2015

RG.NGM-SS/SAR-II 07/12/2015 3P/7C