



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

Tuesday, the Twenty Fourth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.5043 of 2015

WEB COPY

1 KRISHNAVENI
2 MARISANKAR

... PETITIONERS/ACCUSED NO.1 & 3

Vs

STATE REP BY
THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMNAD DISTRICT,
(CR.NO. 43 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.UTHAYAKUMAR Advocate

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

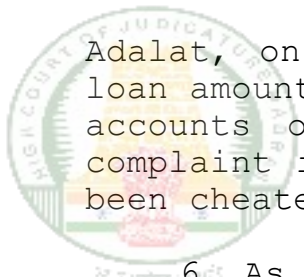
The petitioners, who were arrested and remanded to judicial custody on 14.02.2015, for the offence punishable under Sections 406 and 420 of the Indian Penal Code, in Crime No.43 of 2015, on the file of the respondent police, seek bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate [Criminal Side] for the respondent.

3. The case of the prosecution is that Krishnaveni, [A-1], the first petitioner herein and her husband, Suriyamoorthy, [A-2], who is working as Postman at Ramasampatti, had started Self-Help Group and promised to get loan and accordingly, loan was sanctioned and it was disbursed to 12 persons in the year 2009. According to the victims, they were repaying the loan amount in installments to both Krishnaveni, [A-1], and her husband, Suriyamoorthy, [A-2]. However, the said amount was not credited in the account of the bank concerned.

4. The learned counsel for the petitioners submitted that this case is of the year 2009, for which the petitioners are being prosecuted in the year 2015.

5. This Court perused the First Information Report and found that even according to the *de facto* complainant, the loan was sanctioned and disbursed in the year 2009 and repayments of the loan amount were being made in installments up to the year 2015 to the accused persons. When the victims received notices from the Lok



Adalat, on 06.02.2015, from Kamuthi Court, they realized that the loan amounts, which were repaid to the accused, were not paid in the accounts of the bank concerned. Hence, they lodged the present complaint in the year 2015. It appears that totally 12 persons have been cheated and the total amount is Rs.1,20,000/-.

6. As regards the second petitioner herein, the learned counsel for the petitioner submitted that he is aged about 23 years and in the year 2009, he would have been minor and he is falsely implicated in this case. This Court finds some force in the said submission made by the learned counsel for the petitioners, as regards the second petitioner.

7. Taking into consideration of all the above, this Court is not inclined to grant bail to the first petitioner, [A-1]. At this juncture, the learned counsel for the petitioners sought permission of this Court to withdraw the Criminal Original Petition in respect of the first petitioner herein and he has also made an endorsement to that effect.

8. In view of the above, this Criminal Original Petition is dismissed as withdrawn in respect of the first petitioner herein.

9. As regards the second petitioner, [A-3], this Court finds that the allegations against him are not serious and hence, this Court is inclined to grant bail. Accordingly, the second petitioner is ordered to be released on bail on his 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, Kamuthi, Ramnad District and on further condition that:

[a] the second petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[b] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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]**.

The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor, whether the second petitioner is complying with the order or not.



This Criminal Original Petition is dismissed as withdrawn in respect of the first petitioner herein.

sd/-

24/03/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, KAMUTHI, RAMNAD DISTRICT
- 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE RAMNAD DISTRICT
- 3 THE INSPECTOR OF POLICE KAMUTHI POLICE STATION,
RAMNAD DISTRICT
- 4 THE OFFICER IN-CHARGE, WOMEN PRISON, PARAMAKUDI
- 5 THE OFFICER IN-CHARGE, SUB-JAIL, MUTHUKULATHUR
- 6 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.UTHAYAKUMAR Advocate SR.No.14293

ORDER

IN

CRL OP(MD) No.5043 of 2015

Date :24/03/2015

24/03/2015/P3/8C NA