



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

Tuesday, the Seventeenth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4311 of 2015

R.KAMARAJ

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY
SUB-INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGERCOIL.(CRIME NO.16/2015).

... RESPONDENT / COMPLAINANT

For Petitioner : MR.SUNDAR MOHAN, Advocate
for M/S.M.P.SENTHIL Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl.Side)

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

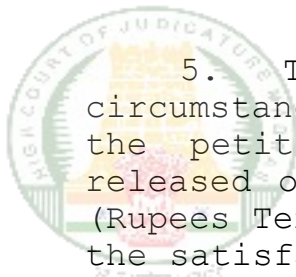
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody, on 07.02.2015, for the offence punishable under Sections 420, 120(B), 294(b) and 506(i) of the Indian Penal Code, in Crime No.16 of 2015, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the *de facto* complainant and the petitioner are relatives. It is stated by the *de facto* complainant that the petitioner represented to her that a Hospital Building is available in Puliyoorkurichy, where a Hotel could be started, if the *de facto* complainant invests amount. It is further alleged by the *de facto* complainant that the petitioner told her that he will start the Hotel in her name, if she makes investment. Believing his representation, the *de facto* complainant appears to have invested huge amount of money some time in the year 2013 and thereafter, she found that the petitioner had opened the Hotel in his name.

3. Learned counsel for the *de facto* complainant, strongly opposed the grant of bail to the petitioner on the ground that the petitioner has cheated the *de facto* complainant by receiving from her about 33 sovereigns of gold.

4. Per contra, the learned counsel for the petitioner brought to the notice of this Court a public notice dated 14.11.2013, wherein, it is clearly shown that the petitioner is the proprietor of the Hotel. In view of the public notice, the learned counsel for the petitioner contended that the allegation of the *de facto* complainant that she knew that the Hotel was not started in her name only subsequently may not be correct. Be that as it may, it is seen that the petitioner was arrested as early as on 07.02.2015 and is in incarceration since then.



5. Taking into consideration the overall facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the 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, No.I, Nagercoil and on further condition that:

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

[c] the 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 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]**.

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

sd/-
17/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI @ NAGERCOIL.

3 SUB-INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, NAGERCOIL.

4 THE OFFICER IN-CHARGE, SUB-JAIL, NAGERCOIL.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.P.SENTHIL, Advocate SR.No.12596.

ORDER IN
CRL OP(MD) No.4311 of 2015
Date :17/03/2015

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