



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

Tuesday, the Fifteenth day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21690 of 2016

THIRUNAVUKKARASU

... PETITIONER/ACCUSED No.1

Vs

THE INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION, MADURAI DISTRICT
CR. NO. 367 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.MURALI Advocate

For Respondent : Mrs.S.PRABHA, Government 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 03.10.2016 for the alleged offence punishable under Section 420 of I.P.C. in Crime No.367 of 2016 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3. The case of the prosecution is that the defacto complainant approached the petitioner on 18.04.2016 to obtain a job at Malaysia and handed over his passport and Rs.1,60,000/- to the petitioner, who in turn handed over the same to the 2nd accused, but failed to get a job. When the amount and passport were sought to be returned, they returned only Rs.40,000/- and retained the balance amount and the passport.

4. Learned counsel for the petitioner submitted that A2 is the travel agent and the said amount was given to A2 for arranging passport and tickets and the petitioner only introduced A2 to the defacto complainant and A2 has been granted anticipatory bail by this Court in Crl.O.P.(MD) No.15475 of 2016 on 30.09.2016. On instruction from the petitioner, he would submit that without prejudice to his rights and contentions the petitioner is ready to deposit a sum of Rs.40,000/-.



5. Learned Government Advocate (Crl. Side) submitted that investigation is pending.

6. Considering the facts and circumstances of the case and also the fact the petitioner is in custody from 03.10.2016 and A2 was already granted anticipatory bail by this Court, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner shall execute 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 Judicial Magistrate, Melur;

(ii) the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of Crime 367 of 2016 before the Judicial Magistrate, Melur within a period of two weeks from the date of his release from prison.

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall not abscond either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
15/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
MELUR



3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION, MADURAI DISTRICT

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

+1. CC to M/S M.MURALI Advocate SR.No.69022

ORDER

IN

CRL OP (MD) No.21690 of 2016

Date :15/11/2016

sj

SH/SK-SKN/SAR-I:16.11.2016:2P/7C