



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

Wednesday, the Thirtieth day of November Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22617 of 2016

WEB COPY

S.RAJAMEERAH

... PETITIONER / ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT
(CR.NO.20 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.RAJAGOPAL, Advocate
FOR M/S.R.M.MAKESH KUMARAVEL Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 21.11.2016 for the offences punishable under Sections 406, 420 and 120(b) IPC in Crime No.20 of 2015 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused, under guise of arranging finance for Thousand Crores of Rupees, received Rs.6 Crores as deposit from the defacto complainant and that the accused persons neither arranged any finance nor returned the amount, which resulted in registration of the case.

3. The learned counsel for the petitioner would submit that this petitioner is a broker and for the services rendered by him, he was paid the amount of Rs.25 lakhs by way of cheque, which was returned by the Bank with an endorsement "insufficient fund". Learned counsel also drew the attention of this Court to the Memorandum of Understanding dated 03.03.2015 entered into between A3 and the defacto complainant for lending loan to the defacto complainant, in which the security deposit was also mentioned and the petitioner was not a party to the said MOU. He would further submit that prime accused/A3 has been granted interim anticipatory bail by this Court.

4. Heard the learned Government Advocate (Crl.Side) on the above submission, who would submit that a charge sheet has already been filed in this case against 11 accused before the learned Judicial Magistrate No.II, Sivagangai, which is yet to be taken on file.



5. Considering the facts and circumstances of the case and taking into account the fact that prime accused has been granted interim bail by this Court and also the fact that the petitioner has been undergoing incarceration since 21.11.2016, this Court is inclined to grant interim bail to the petitioner till 20.12.2016. Accordingly, the petitioner is ordered to be released on interim bail upto 20.12.2016, 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 learned Judicial Magistrate No.2, Sivagangai District;

(ii) the petitioner shall appear before the learned Judicial Magistrate No.2, Sivagangai District twice a day daily at 10:30am in the morning and at 05:00pm in the evening till 20.12.2016 and as and when required before the respondent police for interrogation;

(iii) the petitioner shall surrender his Passport before the said Court forthwith;

(iv) the petitioner shall not leave Tamil Nadu without prior permission of the Trial Court;

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

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

(vii) 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/-

30/11/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.2
JUDICIAL MAGISTRATE COURT, SIVAGANGAI.

2 -DO THROUGH-
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, SIVAGANGAI DISTRICT

4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

+1. CC to M/S.R.M.MAKESH KUMARAVEL Advocate SR.No.74131

ORDER
IN
CRL OP(MD) No.22617 of 2016
Date :30/11/2016

ANR/GSV-PM/01.12.2016/3P/7C