



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

Wednesday, the Second day of August Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10115 of 2017

WEB COPY
SADAYANDI

... PETITIONER/ ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT
(CRIME NO.308/2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.MITHUNCHAKRAVARTHI Advocate

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

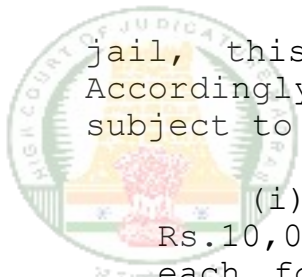
The petitioner / A2, who was arrested on 15.06.2017 for the offences punishable under Sections 406, 420 and 468 IPC in Crime No.308 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused by giving false promise to get job as a Driver in Revenue Department have received Rs.1,90,000/- and thereby cheated the de facto complainant.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The learned counsel voluntarily come forward to deposit a sum of Rs.50,000/- without prejudice to the contentions raised in this petition.

4.The learned Additional Public Prosecutor submitted that totally there are 4 accused and the petitioner is arrayed as A2 in this case. He also submitted that earlier bail application in Crl.O.P.(MD)No.9476 of 2017 was dismissed by this Court on 24.07.2017. He further submitted that a sum of Rs.1 lakh has been repaid by the petitioner herein and A3 & A4 are still absconding and a sum of Rs.40,000/- has to be recovered from A3 & A4. He also submitted that investigation is pending.

5.Considering the facts and circumstances of the case and considering the fact that the learned counsel for the petitioner has voluntarily come forward to deposit a sum of Rs.50,000/- in Crime No.308 of 2017 and the period of incarceration of the petitioner in



jail, 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, Thirumangalam, Madurai District;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

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

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

(v) 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].

[vi] the petitioner is directed to deposit a sum of Rs.50,000/- to the credit of Crime No.308 of 2017 before the learned Judicial Magistrate, Thirumangalam.

sd/-

02/08/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3. THE OFFICER INCHARGE, SUB JAIL, THIRUMANGALAM.
4. THE INSPECTOR OF POLICE
THIRUMANGALAM TOWN POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10115 of 2017

Date : 02/08/2017